

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 505 OF 2025

Atish Vijay Adsule  
Versus  
State Of Maharashtra

...Applicant  
  
...Respondent

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***Adv. Gayatri Gokhale a/w. Adv. Aakash Desai a/w. Adv. Sneha J. a/w. Adv. Zainba Abdi***, Advocate for the Applicant.

***Mr. Ajay S. Patil***, APP for the State.

***Adv. Akshata Barode i/b. Adv. Sugandh Zende***, Advocate for original Complainant.

***Mr. Khule***, PSI present.

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CORAM : RAJESH S. PATIL, J.

DATED : 26 FEBRUARY 2025

PC.:

1. The Applicant is seeking anticipatory bail in connection with C.R.No.0030 registered at Kidvai Police Station, Mumbai on 4 February 2025 for the offences under Sections 352, 3 (5) 118 (2), 115 of the Bhartiya Nyaya Sanhitha, 2023.
2. On the basis of the complaint an F.I.R. has been lodged the role of the present Applicant has been specifically mentioned in the F.I.R.
3. All the three accused preferred an Anticipatory Bail Application

before the Sessions Court. By its order dated 13 February 2025, the Sessions Court granted protection to Accused Nos.1 and 3. However, as far as Accused No.2-present Applicant is concerned, the Anticipatory Bail Application was rejected. Hence, he has preferred the present Anticipatory Bail Application before this Court.

4. It is submitted on behalf of the Applicant that after the alleged incident occurred, the Applicant has lodged NC against the brother of the Informant. Thereafter, out of sheer vengeance, the present F.I.R. was lodged by the Informant.

5. Furthermore, the weapons mentioned in the F.I.R. were never used, and even if it is assumed that a stump was used to hit the Accused, it could not have caused grievous injury. The Applicant has also referred two orders passed in different matters by a coordinate bench of this Court. The said orders are passed in Anticipatory Bail Application No.6 of 2024 and Anticipatory Bail Application No.2345 of 2023. It is submitted that the custody of the present Applicant is not necessary, and he will cooperate with the police as and when called for.

6. The learned counsel for the Applicant referred to two orders passed by coordinate bench of this Court viz. (i) Baban Jadhav V/s. State of Maharashtra passed in Anticipatory Bail Application No.6 2024 (ii) Altamash Aurangzeb Khan V/s. The State of Maharashtra passed in

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7. The learned APP opposed this Application, as did the learned Advocate for Informant. They have submitted that the recovery of the weapon is of utmost importance.

8. The learned APP also produced a medical certificate from K.E.M. hospital Mumbai, a government hospital, the medical certificate of both the injured persons indicates that they sustained grievous injuries on the head, lower lip, on hand arm and hand palm. Additionally, the learned APP has produced the photographs of the Informant and his brother, which clearly show injuries on the head and also on the arm. According to the learned APP, the injured person received 16 stitches.

9. Therefore, it is submitted that since the Applicant is not cooperating and has not disclosed the whereabouts of the stump, which he has allegedly hidden, his custody is of utmost necessity.

10. I have considered the arguments of all the sides and with their assistance, have gone through the contents of the F.I.R., medical certificates and other documents.

11. The medical certificate from the government hospital of the Informant and his brother clearly shows that both sustained grievous injuries. The Informant had approximately 16 stitches on his right elbow, while his brother suffered serious bleeding from his head.

12. Therefore, it is evident that the Accused intended to cause serious injury to the victims. It appears that the present Applicant, along with others, had jointly decided to assault the Informant and his brother. The weapon used in the incident is yet to be recovered, and there is no material on record to suggest that the prosecution has falsely implicated the Applicant.

13. As far as the orders referred by this Applicant's counsel are concerned, in the Anticipatory Bail Application No.6 of 2024, a Single Judge of this Court was deciding an issue where it was alleged as mentioned in paragraph No.3 that the Applicant brought an axe and gave blows of axe on the Informant's left palm and cheek. Therefore, this order was passed in matter where there were very different facts. As regards the second order passed in Anticipatory Bail Application No.2345 of 2023, the paragraph No.11 records that the injury certificate indicates that 'CLW on the scalp'. Therefore, the facts of the Anticipatory Bail Application No.2345 of 2023 are different than the present facts where the injuries are on the head.

14. Taking into consideration the facts recorded above, I am of the view that there is no merits in this Anticipatory Bail Application. Hence, the same stands rejected.

***(RAJESH S. PATIL, J.)***