

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No. 519 of 2025

Aniket Sanjay Pawar

Age 19 years, Occ. Student,

R/at – Jagtap Mala, Baramati,

Taluka – Baramati, District – Pune.

... Applicant

versus

The State of Maharashtra

(Through Baramati City Police Station

in connection with CR No.646 of 2024)

...Respondent

Mr Pawan Mali i/b Mr Rupesh Zade, for the Applicant.

Mr Anand Shalgaonkar, APP, for Respondent No.1 / State.

PSI Devkate, Baramati City Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 24 July 2025

P.C.:

By this application, the applicant (accused No.8) seeks pre-arrest bail in connection with CR No.646 of 2024, registered at Baramati City Police Station, Pune Rural, for offences punishable under Sections 103(1), 61(2), 189(2), 189(4), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 and 25 of the Arms Act, 1959.

2. According to the prosecution, the incident in question took place on 21 August 2024, when Ganesh, the informant's

nephew, was returning home on a motorcycle with his friends. At that time, a four-wheeler intercepted their path, obstructing their movement. The individuals occupying the said vehicle, who have been identified as the accused, launched a sudden and violent assault on Ganesh using a sharp-edged weapon. In an attempt to escape the attack, Ganesh fled the scene. Later that evening, Ganesh was discovered near the Kali Ohatyacha Bridge in Mauje Jalochi, lying lifeless in a pool of blood with stab wounds to his head and neck. The prosecution alleges that the murder was premeditated and executed by co-accused Jayesh Mane, Shubham Gaikwad, Karan Jadhav, Ashish Garud, Somnath Jadhav, Bholya, and several others. The motive for the crime was revenge for a prior incident that took place on 16 July 2023 at TC College, where the deceased Ganesh was involved in an altercation and assault against co-accused Jayesh Mane. Subsequent investigation revealed that, following the commission of murder, the co-accused contacted the present applicant to inform him of the act. Despite being fully aware that a homicide had been committed, the applicant facilitated the escape of the accused by transporting them to another location. According to the prosecution, the applicant was not only complicit after the fact but was also an active participant in the larger criminal conspiracy to eliminate the deceased.

3. Mr Pawan Mali, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. He submits that the applicant was neither named in the FIR nor present at the spot of the incident. The only allegation against the applicant is that he dropped the co-accused from his vehicle at another location. The investigation is complete, and a charge sheet has been filed; therefore, the applicant's custody is no longer necessary. The learned Counsel further submits that the applicant is ready and willing to abide by any conditions imposed by this Court if granted bail.

4. On the other hand, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposing the applicant's request for pre-arrest bail, contends that the offence is of a serious nature. The applicant was, at all relevant times, fully aware of the commission of the offence and played an active role in its execution. Specifically, he facilitated the escape of the co-accused by providing transportation in his own vehicle immediately after the murder of the deceased. The incident was formally reported on 22 August 2024, and since then, the applicant has not made himself available for investigation. Although a charge sheet has been filed against the co-accused, the investigation in relation

to the applicant remains incomplete. The prosecution has expressly reserved its right to file a supplementary charge sheet against him. The learned APP further submits that the vehicle used by the applicant to aid the co-accused in evading law enforcement is still untraced and has not been recovered, which underscores the necessity of the applicant's custody. If the applicant is released on bail, he may tamper with the evidence and influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr.*, 2024 SCC OnLine SC 282.

7. Upon perusing the records, it appears that the incident in question constitutes an act of retaliatory homicide, allegedly

rooted in a prior altercation dated 16 July 2023. On the said date, the deceased, accompanied by his associates, is alleged to have assaulted the co-accused and their companions in the vicinity of TC College. The applicant herein is implicated not as a direct assailant but as an active conspirator, having facilitated the escape of the principal accused from the scene of occurrence to an alternate location. The investigation record, including the Call Detail Records (CDRs), reveals that accused No.5 had telephonically contacted the applicant and was aware of the commission of the alleged offence. Notwithstanding his knowledge of the said homicidal act, the applicant is alleged to have wilfully transported the co-accused from the crime scene and thereby aided their evasion from law enforcement. Such conduct is indicative of the applicant's conscious participation in the larger conspiracy. At this stage, the material available on record discloses sufficient *prima facie* evidence suggesting the applicant's complicity in the offence.

8. Furthermore, the investigation with respect to the applicant is presently ongoing. The vehicle purportedly used by the applicant to aid the co-accused in fleeing from the scene has not yet been recovered. Additionally, the FIR was registered on 22 August 2024. Thereafter, the applicant preferred an Anticipatory Bail Application before the learned Sessions Court

on 19 September 2024. The said application was rejected on 9 October 2024. Subsequent to the filing of the charge sheet on 12 November 2024, the applicant once again sought anticipatory bail on 21 November 2024, which too was dismissed by the Sessions Court on 16 December 2024. Thereafter, the applicant did not approach this Court till 18 February 2025. The sequence of events reflects not only a lack of diligence but also an apparent unwillingness on the part of the applicant to submit himself to the legal process. Such conduct demonstrates a deliberate attempt to evade the due process of law and undermines the applicant's claim for discretionary relief.

9. In view of the gravity of the offence, the ongoing nature of the investigation, and the applicant's *prima facie* involvement in the alleged offence, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the present anticipatory bail application stands rejected.

(R.N. Laddha, J.)