



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 593 OF 2025

Ajay Mahesh Kumbhar

..... Applicant

VERSUS

State of Maharashtra

..... Respondent

Mr. Asit Chaware a/w. Mr. Tanveer Patel for the Applicant.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

Adv. Karni Singh i/b. Shinde & Co. for the Intervener.

Mr. Sachin Dhage, A.P.I., N.R.I. Police Station present.

CORAM : RAJESH S. PATIL, J.

DATE : 6th MARCH, 2025

P.C. :-

Yesterday while hearing the matter of the co-accused, I have granted the anticipatory bail application. While allowing the application yesterday, in paragraph (6), I have noted the acts committed by the present applicant (accused no.1 – Ajay Kumbhar). The paragraph no.6 of the order dated 5th March, 2025 reads as under :-

6. I have heard both the sides and have gone through the FIR and documents placed on record. Taking into consideration the contents of the complaint, it appears that it was the accused no.3 (Ajay Kumbhar), who was a king pin of the entire incident. The said accused no.3 (Ajay Kumbhar) is not co-operating with the police and is absconding. Taking an overall view of the incident as mentioned in the FIR, according to me, as far as the present applicants are concerned, they have not played major

role in the present incident and there is no recovery made from them. Only as regards the spade is concerned, which is alleged to be used in the incident, Mr. Patel, learned counsel for the applicants on instructions of the applicants submits that the present applicants are ready to hand over the said spade to the investigating officer. Therefore, according to me, the case is made out as of today to grant the anticipatory bail application of the present applicants. Hence, I pass the following order.

2. The learned A.P.P. submits that after the present crime was recorded, the present applicant has committed one more offence, being Crime No. 0099 of 2025 registered with N.R.I. Nagari Police Station, District Navi Mumbai, for the offence punishable under Sections 109(1), 74, 79, 333, 115(2), 189(2), 191(2), 190, 352, 351(2), 324(2) of the Bharatiya Nyaya Sanhita, 2023.
3. In the present proceedings, I was also shown photographs of the video footage of the said incident where the role of the present applicant can be seen as aggressively using the weapon - "spade".
4. In view of what I have stated in the earlier paragraph, according to me, no case is made out by the applicant to grant anticipatory bail. The physical presence of the applicant for interrogation would be necessary for completing the investigation. **Hence, this anticipatory bail application is rejected.**

[RAJESH S. PATIL, J.]