



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.600 OF 2025

MAYURESH SITARAM MUKADAM @
MANTHAN KOLI AND ORS.

...APPLICANTS

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Asit Y. Chaware a/w Tanveer Patel for the Applicants.

Adv. Avinash A. Niak, APP for the State.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 5, 2025

P.C.:

1. The applicants have filed the present application for grant of pre-arrest bail under Section 482 of the Gharatiaya Nagarik Surakhsa Sanhita, 2023 (BNSS) for enlarging them on bail in C. R. No. 41/2025 registered at NRI Sagari Police Station, Mumbai for the offences punishable under Sections 118(1), 118(2), 189(2), 189(3), 191(2), 190, 118 and 352 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The complaint has been lodged by one Mr. Gaurav Patil against the five accused persons. One of the accused person is not a part of this anticipatory bail application and according to the police, he is absconded. As per the allegations made in the complaint, FIR has been

lodged. It is alleged in the complaint that a weapon called as spade (फावडा) was used by applicant no.3/accused no.4 (Omkar Kumbhar) and accused no.3 (Ajay Kumbhar), who is absconding. As regards the other accused, it has been said that they have used hands and fist to injure the informant.

3. Mr. Patel, learned counsel for the applicants submits that as far as criminal antecedents against accused no.3 (Ajay Kumbhar) are concerned, he is not an applicant in the present anticipatory bail application. As far as two criminal antecedents against applicant no.4/accused no.5 (Mahesh Kumbhar) is concerned, in the FIR, there is no role attributed to the said applicant no.4 of the alleged incident. As far as two antecedents against applicant no.4 are concerned, those offences are registered because he is into the business of development of land and he has been granted regular bail in the said crimes. As far as the applicant nos. 1 and 2 are concerned, no major role is attributed to them and there are no antecedents against them. As regards the applicant no.3 (Omkar Kumbhar) is concerned, there is no criminal antecedents reported against him. In the FIR, it has been mentioned that absconding accused no.3 (Ajay Kumbhar) and applicant no.3/accused no.4 (Omkar Kumbhar) have hit the informant by a weapon spade. As far as the FIR itself, the informant was hit of his legs.

4. Mr. Patel submitted that believing for a minute that the

informant was hit by the spade, the said hit was not on any vital parts of the body. Therefore, the intention of the accused was not to cause any serious injury to the first informant.

5. The learned APP has opposed the present application and submits that the weapon used in the incident has not been recovered. Accused no.3 (Ajay Kumbhar) is still absconding. Hence, the custody of the present applicants would be necessary. The investigating officer has not reached to the Court up-till now. Therefore, the instances are awaited.

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.

ORDER

- (i) **Anticipatory Bail Application is allowed.**
- (ii) The applicants be released on bail in C.R. No. 41/2025 registered with NRI Police Station, Navi Mumbai on furnishing a PR bond of the sum of Rs. 30,000/- (Thirty thousand only) each and one or two sureties in the like amount each to the satisfaction of the jurisdictional Court.
- (iii) The applicants shall attend the concerned police station on 12 March 2025 and 13 March 2025 between 11.00 am to 1.00 pm and thereafter as and when called for. The applicants on attending the police station shall hand over the spade to the investigating officer without admitting the crime.
- (iv) The applicants shall not tamper with the prosecution evidence. The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing the facts to Court or any police officer.
- (v) The applicants shall furnish their contact numbers, E-mail ids and residential addresses to the investigating officer and if there is any change, they shall inform the police station.

7. Anticipatory Bail Application is accordingly disposed off as allowed.

(RAJESH S. PATIL, J.)