

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

Anticipatory Bail Application No. 634 of 2025

Rushikesh Nana Dhotre

Age 22 years, Occ.: Student,

having address at

Durgamata Nagar, Near to

Niramay Hospital,

Chinchwad Station, Pune.

... Applicant

versus

The State of Maharashtra

(Through Bhosari Police Station, Pune)

represented by the Office of the

Public Prosecutor High Court, Mumbai. ... Respondent.

Mr Shubham Choudhar a/w Mr Shubham Shinde, for the
Applicant.

Mr M G Patil, APP, for Respondent / State.

PSI Shrikant Gurav, Bhosari Police Station, Pune, is present.

Coram: R.N. Laddha, J.

Date: 20 August 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.87 of 2024, registered at Bhosari Police Station, Pune, for offences punishable under Sections 323, 324, 326 and 504 read with 34 of the Indian Penal Code.

2. It is a case of the prosecution that on 12 February 2024, the informant, accompanied by his friend, was allegedly intercepted and physically assaulted by three individuals, namely Vijay, Pankaj and Babya, all of whom were personally known to the informant. However, in his supplementary statement recorded on the following day, the informant revised his account and alleged that, upon further ascertainment, it was in fact the present applicant and the co-accused who had assaulted him.

3. Mr Shubham Choudhar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the applicant was not named in the FIR and was arraigned as an accused only after the recording of the informant's supplementary statement on 14 February 2024. The alleged incident occurred on 12 February 2024; however, the FIR was registered only on 13 February 2024, without any plausible explanation for the delay. The learned Counsel further submits that, even as per the allegations, the role attributed to the applicant is of allegedly assaulting the informant with fist and kick blows, and no weapon has been used by the applicant. There is nothing to be recovered or discovered from the applicant, and the applicant is ready to

abide by any conditions imposed by this Court.

4. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and contends that the offence is of a serious nature. He submits that initially, the informant wrongly identified the accused and later identified the applicant as the assailant. However, on instructions, he submits that the investigation is complete, and nothing is to be recovered or discovered from the applicant. The learned APP expresses reservations about granting pre-arrest bail to the applicant, apprehending potential evidence tampering and witness influence.

5. Having heard the learned Counsel for the parties and perused the material on record, it is evident that there is a material inconsistency between the initial and supplementary statements of the informant. The revision of the narrative raises a *prima facie* doubt regarding the identity of the assailants and the reliability of the prosecution's case at this stage. In the supplementary statement also it is alleged that the informant was assaulted by the applicant by fist and kick blows. The applicant, a 22-year student, has no criminal antecedents. Further, there is delay in lodging the FIR also. It further

appears that the investigation in the present case has been concluded, and nothing is to be recovered or discovered from the applicant. The prosecution's apprehensions about evidence tampering and witness influence can be mitigated by imposing appropriate conditions. In these circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Accordingly, the application is allowed on the following terms :

- (i) In the event of the applicant's arrest in CR No.87 of 2024, registered at Bhosari Police Station, Pune, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and shall appear before the investigating officer as and when required.
- (iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]