

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 676 OF 2025

SACHIN @ BALU SHIVAJI JADHAV

...APPLICANT

vs.

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Mr. Chinmay Patil a/w Mr. Prasad Bade h/f Mr. Abhijit Kulkarni, for the Applicant.

Mr. Nitin B. Patil, APP, for the Respondent-State.

...

CORAM : RAJESH S. PATIL, J.

DATED : APRIL 22, 2025

P.C.:

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No. 8 of 2025 registered with Barshi Police Station, Solapur, for the offences punishable under Sections 118(2), 351(1), 352 of the Bhartiya Nyaya Sanhita, 2023 .

2. Based on the complaint, an FIR has been lodged. The role of the present applicant has been specifically mentioned in the FIR.

3. I have heard the counsel appearing for the applicant and also have gone through the documents on record.

4. The medical certificate has been produced on record which shows that the first informant was grievously hurt by a hard and blunt object on his cheek due to which there was a fracture and apart from the said injury, he has also injury on his left cheek and also on inner left side of his mouth. So also, there was injury on right leg and left leg due to which there was an abrasion and CLW. The first informant was admitted in hospital for seven days in all there were five injuries sustained by him. The offence punishable under Section 118(2) of the BNS has been invoked. The punishment for which would be imprisonment for life.

5. The first informant was disturbed by the use of stone crushing machine due to use of stone crushing machine was lot of dust which is to hamper the fields of the first informant's family. Since the machine was causing damage to the fields of the first informant, he was repeatedly requesting the applicant and the owner of the stone crusher machine to stop the using machine. On the date of the incident i.e. on 10/01/2025, when the first informant again requested the applicant to stop the use of the machine. The applicant came with an iron rod and started hitting the first informant due to which he was severely injured and was taken to hospital. His aunt (paternal) tried to intervene, however, she was also pushed by the present applicant. The first informant was in the hospital for seven days for treatment and thereafter, an FIR was lodged on 14/01/2025.

6. Considering the fact that with a predetermine mind, the present applicant mercilessly assaulted the first informant for which he was in the hospital for seven days, the applicant has assaulted the first informant on his face, on his legs due to which he has grievous injuries. The punishment for the offence is imprisonment for life. Even the aunt of the first informant was not spared. For the purpose of investigation the pre-arrest bail can't be allowed, as it will create hurdles in the process of investigation.

7. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

8. A similar view has been taken by the Supreme Court in the case

¹ (2022) 17 SCC 391

of the *C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

9. Hence, according to me, no case is made out to grant protection to the present applicant.

10. Therefore, **the Anticipatory Bail Application stands rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)

² AIR OnLine 1997 SC 797