

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

Anticipatory Bail Application No.683 of 2025

Rohan Kishor Bhoir

Age: 25 years, Occ: Service,

Indian Inhabitant, permanently

residing at: Post 11, Retibandar Road,

Hanuman Temple, Mothagav Thakurli

Dombivli East, Dist. Thane

... Applicant

versus

The State of Maharashtra

(At the instance of Vishnu Nagar Police

Station vide their C.R. No.853 of 2024)

... Respondent

Mr Ravi Uikey, i/b. Surekha Wakle, for the applicant.

Mr Anand Shalgaonkar, APP, for the respondent/ State.

PSI Vivek V Kumatkar, Vishnu Nagar Police Station, Thane
City, is present.

Coram: R.N. Laddha, J.

Date: 22 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.853 of 2024, registered at Vishnu Nagar Police Station, Thane, for offences punishable under Sections 115(2), 118(2), and 352, read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 7 November 2024, the informant was unable to move his car past the Motagaon railway crossing due to heavy traffic congestion. A group of boys on motorcycles approached and demanded that he move his vehicle, resorting to verbal abuse in the process. When the informant finally pulled over, the situation escalated as the accused became aggressive and began to punch him. During the altercation, the informant was struck from behind on the head with an object, leading to bleeding injuries. Turning around, he recognised the attacker as the applicant. When bystanders intervened, the applicant and his accomplices quickly fled the scene.

3. Mr Ravi Uikey, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence. He contends that the applicant is not named in the FIR and has been falsely implicated in the crime. The learned Counsel submits that there is no material on record to connect the applicant with the alleged crime. The applicant is ready and willing to abide by any conditions imposed by this Court if granted bail.

4. Mr Anand Shalgaonkar, 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. The informant specifically

identified the applicant as the individual who assaulted him with a weapon and inflicted serious injuries on his head that required six stitches. The weapon and the motorcycles allegedly used in the crime are yet to be recovered. The co-accused are to be identified. The investigation is in its early stage, and the applicant's custody is necessary. If the applicant is granted pre-arrest bail, he may tamper with the evidence and influence witnesses.

5. This Court has given anxious consideration to the rival contentions 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. A perusal of the case records reveals that an altercation occurred on 7 November 2024, at Motagaon railway crossing. During this incident, a group of individuals riding motorcycles allegedly assaulted the informant. Among them, one person,

identified as the present applicant, is accused of striking the informant on the head with a weapon, while the others are said to have punched and physically attacked him. As a result of this assault, the informant sustained bleeding injuries that required urgent medical attention. The material on record, including statements from eyewitnesses clearly indicate the applicant's active participation in the offence. The investigation is still at an early stage, and the alleged weapon used in the attack and the motorcycles involved, are yet to be recovered. It is further significant that the FIR was registered on 8 November 2024, yet the applicant delayed seeking anticipatory bail, filing the application before the Sessions Court only on 27 November 2024. That application was dismissed on 3 February 2025. Despite this, the applicant approached this Court only on 7 March 2025 without offering any reasonable or satisfactory explanation for the intervening delay. This 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.

8. Given the above, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]