

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

Anticipatory Bail Application No.780 of 2025

1) Mayur Subhash Ahire
Age: 35 years, Occ: Agriculturist

2) Kiran Subhash Ahire @ Patil
Age: 32 yrs, Occ:Agriculturist

3) Roshan Bahusaheb Ahire
Age: 26 yrs, Occ: Agriculturist

4) Dnyaneshwar Vitthal @ Uttam
Ahire
Age: 44 yrs, Occ:Agriculturist

(All residing at Chinchvad,
Tal.Malegaon,Dist.Nashik)

.... Applicants.

Vs.

The State of Maharashtra
(Through Jaykheda Police Station,
Jaykheda Tal. Satana, Dist.Nashik
in CR No.80/2025)

..... Respondent.

Mr Jayendra Khairnar, for the applicant.
Mr SV Walve, APP for the respondent / State.

Coram : R.N.Laddha, J.

Date : 25 July 2025.

P.C. :

By this application, the applicants seek pre-arrest bail in connection with CR No.80 of 2025, registered at Jaykheda Police Station, Nashik Rural, for offences punishable under Sections 115, 118(1), 324(2), 324(6), 351(2), 351(3) and 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 24 February 2025, around 7:30 p.m., the informant daughter's husband (applicant No.1) accompanied by his brothers (applicants No.2 and 3), and his uncle (applicant No.4), forcibly entered his residence and sparked an argument regarding a disputed farmland and the informant's daughter, during which they verbally abused the informant and his family members. The situation escalated when applicant No.1 physically attacked the informant with a stick, inflicting injuries to his head, nose, and back. When the informant's wife attempted to intervene, applicants No.2, 3 and 4 hurled abuse and assaulted her with sticks. They also attacked the informant's son with sticks, specifically targeting his back, waist and legs. Upon the intervention of

the neighbours, the applicants fled the scene and issued threats to the informant and his family members.

3. Mr Jayendra Khairnar, the learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that the applicants have been falsely implicated in the crime. He submits that there are matrimonial disputes between the informant's daughter and applicant No.1, and the present FIR has been lodged to settle personal scores. There is nothing to be recovered or discovered from the applicants. The learned Counsel further submits that the applicants are ready and willing to abide by any conditions imposed by this Court if granted bail.

4. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He contends that the applicants, in a brazen act of violence, attacked the informant and his family members with wooden sticks, inflicting grievous injuries on the vital parts of the body. The learned APP submits that the weapons used in the crime are yet to be recovered, necessitating the applicants' custody. He also highlights that there is animosity between the applicants and

the informant. The offence is serious, and the investigation is in progress. If the applicants are granted pre-arrest bail, they 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. Upon perusing the records, more particularly the contents of the FIR, it appears that there are specific and explicit allegations against the applicants. The applicants appear to have brutally assaulted the informant and his family members using wooden sticks and inflicted serious

injuries on them. The allegations in the FIR correspond with the injury certificates. Moreover, there are eyewitnesses to the incident and the weapons allegedly used in the crime are yet to be recovered. *Prima facie*, there is sufficient material on record to indicate the applicants' involvement in the crime. The investigation is at a nascent stage. Releasing the applicants at this preliminary stage may hinder the course of an effective investigation. In these circumstances, 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.]