

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

Anticipatory Bail Application No. 781 of 2025

Pankaj Havaladar Singh
Aged 33 years, R/at. Room No.11,
The Great Indira Nagar,
Adarsh Chawl, Chawl No.23,
Marol Pipeline, Andheri (E), Mumbai. ... Applicant
versus

The State of Maharashtra
(At the instance of MIDC Police
Station, Mumbai). ...Respondent

Mr Khwaja Shaikh i/b Mr Ramesh Mishra, for the Applicant.
Mr Arfan Sait, APP, for Respondent / State.
API Pratibha Patil, MIDC Police Station, Mumbai.

Coram: R.N. Laddha, J.
Date: 25 June 2025

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.629 of 2024, registered at MIDC Police Station, Mumbai, for offences punishable under Sections 352, 351(2), 109 read 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution's version of events, as

detailed in the First Information Report (FIR), the incident occurred on 19 September 2024, at about 4:00 p.m. It is alleged that the applicant, in collusion with co-accused individuals, unlawfully assembled with a common intention and proceeded to launch a physical attack on the informant's brother, Hrithik. During the course of this assault, Hrithik has sustained grievous injuries. The FIR further implies that the actions of the applicant and the co-accused were premeditated and carried out in a manner that caused serious bodily harm to the injured.

3. Mr Khwaja Shaikh, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the present case. He further submits that there is a discrepancy between the contents of the FIR and the medical evidence on record. He points out that the injury certificate indicates that the injured party was allegedly assaulted by a group of approximately twenty persons. However, the narrative provided in the FIR does not correspond with or support this version of events. Furthermore, Mr Shaikh submits that the investigation in the case has been duly completed and a charge sheet has already been filed against the co-accused who were arrested during the course of the investigation. He further

informs the Court that those co-accused persons have since been granted bail and therefore, on the ground of parity, the applicant is also entitled to the same relief.

4. On the other hand, Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He argues that the nature and gravity of the offence are serious, and that granting anticipatory bail at this juncture would adversely affect the ongoing investigation against the applicant. He submits that the charge sheet has not yet been filed against the applicant. The co-accused were arrested and released on regular bail. The learned APP further submits that there is a substantial apprehension that, if released on anticipatory bail, the applicant may interfere with the course of investigation. He draws the Court's attention to the fact that the applicant has been explicitly named in the FIR, and that preliminary investigation has revealed his active and direct participation in the commission of the offence. He emphasises that independent eyewitnesses have categorically implicated the applicant in the incident. Additionally, CCTV footage of the occurrence shows the applicant dragging the injured and handing over an iron rod to a co-accused, who then used it to assault the victim. The learned APP also points out that the applicant's earlier

application for anticipatory bail was rejected by the Sessions Court on 6 November 2024. Despite this, the present application was not filed until 17 March 2025. During this intervening period, the applicant remained unavailable to the investigating authorities, thereby hampering the progress of the investigation.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It is a settled principle in law that the power to grant an anticipatory bail application is extraordinary. While it has been acknowledged in many instances that regular bail is considered the general rule, the same cannot be said for anticipatory bail. The decision to grant anticipatory bail should be exercised with careful and prudent discretion by the Court, considering the specific circumstances of each case. When exercising this power, the Court must exercise caution, as granting protection in serious cases could potentially lead to a miscarriage of justice or hinder investigation by allowing tampering or destruction of evidence. A profitable reference in this regard can be made to the decision in *Srikant Upadhyay & Ors. v. State of Bihar & Anr.*, 2024 SCC OnLine 282.

7. Upon perusing the records, it appears that the applicant

has been specifically named in the FIR, wherein it is alleged that he, in furtherance of the common intention of the co-accused persons, assaulted the informant. It is further alleged that the applicant was in possession of an iron rod at the relevant time, which he handed over to co-accused, who then used the said iron rod to inflict a blow on the informant's head, resulting in a fracture injury to a parietal region. The incident in question has been captured on CCTV footage, wherein the applicant is purportedly seen dragging the informant and supplying the iron rod to the co-accused. The version of events narrated by the informant finds corroboration in the statements of eyewitnesses and is further supported by medical documentation available on record. There appears to be sufficient *prima facie* material indicating the applicant's active participation in the commission of the alleged offence.

8. Furthermore, the record reflects that the applicant's previous bail application for anticipatory bail was dismissed by the Sessions Court on 6 November 2024. Notwithstanding the said rejection, the present application has only been preferred on 17 March 2025. It is evident that during the intervening period, the applicant did not make himself available to the investigating agency.

9. Having regard to the totality of the circumstances,

including the gravity of the allegations, the conduct of the applicant and the material available on record, I am not inclined to exercise discretion in favour of the applicant. Accordingly, the application stands rejected.

[R.N. Laddha, J.]