



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 852/2025

ROHIT BAPURAO PANSARE

...APPLICANT

VS

THE STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Vrushabh Savla for the Applicant.

Adv. Ajay S. Patil, APP for the Respondent State.

PSI Jinesh Koli, Supa Police Station, Pune.

...

CORAM : RAJESH S. PATIL, J.

DATED : MARCH 27, 2025

P.C.:

1. This bail application has been filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to release him on pre-arrest bail, in connection with Crime No. 26/2025 registered at Supa Police Station, Dist. Pune, for the offence punishable under Sections 118(1), 118(2), 189(1), 189(2), 191(1), 191(2), 191(3), 190, 115 of the Bharatiya Nyaya Sanhita, 2023.

2. As per the complaint, the FIR has been lodged. The role of the present applicant has been narrated therein.

3. The learned counsel for the applicant submits that the applicant is a student of ITI. It is submitted that the present applicant along with his two friends and the first informant along with his three friends had a bit of quarrel. The injury was to both the parties and in

fact, after the present FIR was lodged against the present applicant and his two friends, the present applicant also has lodged an FIR. In the said FIR lodged by the applicant, an anticipatory bail application was preferred by the accused therein, who is the first informant in the present proceedings. The said anticipatory bail application was rejected by the Sessions Court on 20 March 2025. It is further submitted that the weapons as alleged in the present crime have been recovered. The applicant is just 19 years of age and having no antecedents. Therefore, the custody of the present applicant would not be necessary as the other two accused were arrested and were granted regular bail.

4. The learned APP submits that, as per the medical certificate, the informant was suffered from grievous injuries on his face and three of his tooth are broken down. He submits that though a cross FIR has been lodged by the present applicant the said cross FIR was lodged after 13 days, while the present FIR was lodged on the very next date. The incident was occurred in night around 7.30 pm on 10 February, 2025. It is alleged in the present FIR that the present applicant along with 15 to 20 peoples, had attacked the first informant and two of his friends. The recovery of all the weapons has not been done. Therefore, the custody of the present applicant is necessary. The statement of three independent witnesses have also been recorded wherein, present applicant has been named in the crime.

5. I have heard both the sides and have gone through the documents on record including the FIR, medical certificate and the photographs produced by the APP.

6. The medical certificates shows that the first informant was badly hurt and there are grievous injuries. Three of the tooth of the first informant was broken down. In the FIR, the role of the present applicant is shown to be major as due to the present applicant, there was a fight between the first informant along with his friends and the present applicant along with his friends. All the weapons used in the crime have not been recovered as of now. As regards the FIR lodged by the present applicant, the said FIR was lodged after 13 days. In order to investigate the crime the police would have interrogate the applicant.

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

1 2022 SCC Online SC 1529

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 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. Taking into consideration the contents of FIR, the documents on record and considering the law laid down by the Supreme Court in above judgments, according to me, no case is made out to grant protection to the present applicant. **The anticipatory bail application stands rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)

² AIR OnLine 1997 SC 797