

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

Anticipatory Bail Application No.958 of 2025

Pradeep Dadaram Thorat

Age-37 years, Occ. Service

Residing at: Flat No.303, Kasarali,

Sudan Building, Tal-Bhiwandi,

Dist: Thane

... Applicant

versus

The State of Maharashtra

Through Padgha Police Station

To be served through APP,

High Court, Mumbai

... Respondent

Mr Yogesh Birajdar, a/w. Mr Viraj Shelatkar, Mr Bharat Shinde,
Mr Parth Waze and Mr Sumeet Nimbalkar, for the applicant.

Mr Swapnil Pednekar, APP, for the respondent/ State.

PSI DB Shirole, Padgha Police Station, Thane Rural, is present.

Coram: R.N. Laddha, J.

Date: 2 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.4 of 2025, registered at Padgha Police Station, Thane, for offences punishable under Sections 109,

118(1), 118(2), 189(2), 190, 191(2), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that the applicant, in collusion with the co-accused, was part of an unlawful assembly that carried out a premeditated assault on the informant. It is alleged that during the incident, the co-accused used weapons, including a knife and an iron rod, to inflict injuries on the informant.

3. Mr Yogesh Birajdar, 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 crime. He submits that the applicant has not committed any overt act constituting the alleged offence and that his mere presence at the scene of the incident, without more, has been erroneously construed as participation in the commission of the crime. The learned Counsel further submits that there are no specific or direct allegations of assault, instigation, or active involvement attributable to the applicant. The prosecution's case primarily pertains to the acts allegedly committed by the co-accused, who are stated to have been armed with weapons and to have played an active and culpable role in the incident. Notably, no incriminating material or weapons are sought to be recovered from the applicant. The learned Counsel further

brings to the attention of this Court that the co-accused stand on an identical footing and are similarly situated in terms of the alleged role in the incident, have already been granted the relief of anticipatory bail. In light of the principle of parity and the absence of any distinguishing features that would warrant a different view, the applicant is entitled to the same relief.

4. Mr Swapnil Pednekar, the learned Additional Public Prosecutor representing the respondent/ State, submits that the offence is of a grave and serious nature and there exists a reasonable apprehension that, if released on pre-arrest bail, the applicant may misuse the liberty by tampering with the prosecution evidence or attempting to exert influence over the witnesses. However, in all fairness, the learned APP candidly acknowledges that the investigation in the present case stands concluded. He further submits that no recovery or discovery remains to be effected from the applicant and that the charge sheet has already been filed before the competent Court.

5. Upon perusing the records, it appears that the sole allegation against the applicant pertains to his presence at the scene of the incident alongside the co-accused. There is no allegation or material on record indicating that the applicant took part in the alleged assault, nor is there any claim that he abetted or instigated the co-accused in mounting the alleged

attack on the informant. Furthermore, the learned APP fairly acknowledges that nothing is to be recovered or discovered from the applicant. It is also not disputed that the investigation in the matter has been concluded and a charge sheet has already been filed before the competent Court. Moreover, the co-accused, whose role appears to be more direct or active in the alleged occurrence, has already been extended the benefit of anticipatory bail.

6. In light of the foregoing circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.4 of 2025, registered at Padgha Police Station, Thane Rural, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall regularly attend and cooperate with the the trial Court for the expeditious disposal of the case.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)