

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

Anticipatory Bail Application No.1122 of 2025

Sudesh Nagraj Kamble,
Age-25 years, Occ: Pvt Service,
R/o: Room No.11, Building No.20,
Zelam Building, Mankhurd West,
Mumbai-43

... Applicant

versus

The State of Maharashtra
Through Mankhurd Police Station
Dist. Greater Bombay
(Copy to be served to Public
Prosecutor, High Court of Judicature
Bombay Bench at Bombay)
[C.R.No.45 of 2025]

... Respondent

Ms Kajal Wadhwana, i/b. Mr Babu Singh, a/w. Mr Mohsin
Khan, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PI (Crime) Hanumant Oulkar, a/w. (Pairavi) PSI Gaonkar,
Mankhurd Police Station.

Coram: R.N. Laddha, J.

Date: 4 August 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in
connection with CR No.490 of 2024, registered at Mankhurd
Police Station, for offences punishable under Sections 352,

351(3), 118(1), 115(2), 109 read with 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Sections 4 and 25 of the Indian Arms Act read with Sections 37(1)(a) and 135 of the Maharashtra Police Act.

2. It is the case of the prosecution that on 20 November 2024, the applicant, in connivance with the co-accused and sharing a common intention to cause the death of the informant and his friend Prem, launched a violent attack against them. The assault was carried out using a broken beer bottle and a sword as weapons, with the deliberate intent to inflict grievous harm and endanger their lives.

3. The learned Counsel appearing on behalf of the applicant, submits that of the four persons named as accused in the present matter, three have already been apprehended and subsequently released on bail. The applicant, however, has not been connected to the alleged offence by any substantive material placed on record. According to the prosecution's own case, the incident is stated to have occurred on 20 November 2024 at about 7:30 p.m. Notably, the FIR was not lodged until the following day, i.e. 21 November 2024, thereby giving rise to the significant and unexplained delay in its registration. Furthermore, the learned Counsel submits that the nature of injury allegedly sustained by the victim is neither grievous nor

life-threatening. On the contrary, the injury appears to be superficial and, *prima facie*, seems to be self-inflicted. This further casts doubt on the veracity of the allegations made against the applicant.

4. The learned Additional Public Prosecutor representing the respondent/ State, submits that the applicant, in connivance with the co-accused, has assaulted the informant and his friend using a broken beer bottle and a sword, as a result of which both victims sustained injuries. It is specifically alleged that the applicant attacked the informant's friend, one Prem, by striking him on the neck with a sword, causing grievous injury. The investigation is at a nascent stage, and the weapon used in the commission of the crime is yet to be recovered. Furthermore, the applicant and the co-accused had a prior altercation with the informant's friend on the day preceding the incident in question. This prior conflict is indicative of a motive behind the commission of the present offence by the applicant and the co-accused.

5. Upon a careful examination of the case record, it transpires that there was a prior altercation involving the present applicant and his co-accused with one of the informant's associates. This altercation occurred a day

preceding the incident under investigation. At this stage, there exists a *prima facie* indication of a motive on the part of the applicant to perpetrate the alleged offence.

6. Furthermore, the material on record discloses that the applicant has been assigned a specific and active role in the commission of the offence. It is specifically alleged that the applicant assaulted one Prem, a friend of the informant, by inflicting a blow with a sword on his neck. The victim is reported to have sustained grievous injury, the nature of which is substantiated and corroborated by the injury certificate. It is also pertinent to note that the weapon of offence has not yet been recovered. The prosecution claims the presence of eyewitnesses who have witnessed the incident and are expected to corroborate the sequence of events as alleged. In view of the seriousness of the allegations and the requirement of further investigation, particularly with respect to the recovery of the weapon, the custodial interrogation of the applicant is deemed necessary at this stage.

7. Having regard to the gravity of the offence, the stage of investigation, and the nature of allegations levelled against the applicant, this Court is of the view that this is not a fit case for the exercise of its discretion in favour of the applicant.

Accordingly, the application stands rejected.

(R.N. Laddha, J.)