



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

ANTICIPATORY BAIL APPLICATION NO. 1209/2025

ANIKET YESAJI BHOSALE

..APPLICANT

VS.

STATE OF MAHARASHTRA

..RESPONDENT

Adv. Raviraj Paramane a/w. Adv. Deva Shinde for the applicant.
Mr. Nitin B. Patil, APP for the State.
API Nilesh Phule, Nerul Police Station, Navi Mumbai.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 29, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No. 255/2024 registered with the Belapur Police Station, for the offence punishable under Sections 118(1), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. Based on the complaint, an FIR has been lodged. The role of the present applicant has been specifically stated in the FIR.

3. The learned counsel for the applicant submits that the applicant is a builder by profession. The facts narrated in the FIR are

false. The applicant is ready to cooperate with the IO. The custody of the applicant is not necessary for completing the investigation.

4. The learned APP submits that there are several criminal antecedents reported against the co-accused who are with the applicant on the date of the incident in the Pub. The learned APP further submits that when the matter was pending before the Sessions Court, the ad-interim relief was granted to the applicant and directed to attend the office of the IO. But the present applicant did not attend the office of the IO though he was protected.

5. I have heard the learned counsel for the applicant and the learned APP for the State. I have also gone through the copy of the FIR and the E-mail written by a lady from Spain who is a surgeon by profession who was with the informant on the date of the incident.

6. The incident, as narrated by her, describes the actions of the present applicant and his friends. She appears to have been shaken by the said incident and further stated in the email that she will not like to come to this country where such an incident has taken place. She wrote this email to the Deputy Commissioner of Police.

7. Going through the FIR, it can be seen that the informant was the one who tried to save the Spanish girl from the present applicant

and his friends. The informant was hit with a beer bottle and sustained an injury to his scalp. The present applicant shows no remorse, as he went outside the pub and took a baseball bat from his vehicle to hit the informant.

8. 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 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)

9. 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

1 (2022) 17 SCC 391

2 AIR OnLine 1997 SC 797

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)

10. Considering the nature and gravity of the offence, as well as the applicant and his friends engaging in mischief with a Spanish doctor, and in light of the law laid down by the Supreme Court as noted above, the physical presence of the applicant for interrogation is necessary for completion of the investigation. Moreover, the possibility of pressurizing and threatening witnesses and tampering with the evidence cannot be ruled out. Hence, no case is made out to grant pre-arrest bail to the present applicant. **The anticipatory bail application of the applicant stands rejected and disposed of accordingly.**

11. At this stage, the learned counsel for the applicant seeks liberty to withdraw the present application.

12. The request made by the learned counsel for the applicant is rejected.

(RAJESH S. PATIL, J.)