



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 1276/2025

TEJAS DATTATRAYA TAKALKAR

...APPLICANT

VS

STATE OF MAHARASHTRA

...RESPONDENT

...

Adv. Sumit V. Khaire for the Applicant.

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

...

CORAM : RAJESH S. PATIL, J.

DATED : MAY 6, 2025

PC.:

1. The applicant is seeking anticipatory bail in C.R. No.109/2025 registered with Shikrapur Police Station. For the offences punishable under Section 75, 78, 125(a), 281 of the Bharatiya Nyaya Sanhita, 2023 and under Section 184 of the Motor Vehicle Act, 1988.

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

3. It has been alleged in the FIR that when the first informant was cleaning utensils at a place in front of her home, the present applicant came there in his four wheeler and made obscene gestures by seen towards the first informant. Subsequently, he assaulted the first informant by driving his car towards her. He dashed the first informant by his car. Due to which, the first informant fell down and sustained injuries. Subsequently an FIR has been lodged.

4. The learned APP submits that there are two antecedents against the present applicant, one for rioting and one under Section 326 of the Indian Penal Code, 1860. Further there are eye witness to the incident. The aunty of the present applicant herself is a witness to the incident. The statement of the said aunty has been recorded by the investigating officer, where, the name of the present applicant has been stated.

5. Considering the allegations made against the present applicant in which his own aunty is a witness and considering the antecedents reported against the present applicant, according to me, granting any kind of protection to the present applicant would mean that there is a threat to the first informant and also to the witnesses.

6. 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)

7. 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)

8. Considering the antecedents reported against the present applicant and also the law as laid by the Supreme Court in above two judgments, I am convinced that the said anticipatory bail application requires to be rejected. Hence, **the anticipatory bail application stands rejected and disposed of accordingly.**

(RAJESH S. PATIL, J.)

2 AIR OnLine 1997 SC 797