

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 1357 OF 2025**

Jayesh Sunil Bhandari

...Applicant

Vs.

State of Maharashtra

...Respondent

Dr. U.P. Warunjikar a/w Ms. Sonali R. Chawan, for the Applicant.
Ms. P.P. Bhosale, APP for State.
Mr. Ashish Jadhav, PSI, Wanvadi, Police Station, Pune City.

CORAM : ADVAIT M. SETHNA, J.

DATE : 15 MAY 2025

(VACATION COURT)

P.C.:

1. This application is filed by the applicant who apprehends arrest.
2. Mr. Warunjikar, learned counsel for the applicant would draw the attention of this Court to two FIRs registered in respect of the same incident that took place on 27 October 2024. He would submit that the first FIR was registered by the Kondwa, Police Station in CR No. 1204 of 2024 on 28 October 2024 at 05:20 a.m under sections 189(2), 191(2), 191(3), 190, 115(2), 352, 131 of the Bharatiya Nyaya Sanhita, 2023 read with sections 4 and 25 of the Arms Act read with sections 37(1), 135 of the Bombay Police Act, 1951. He would then refer to a cross FIR dated 28 October 2024 registered by the Wanvadi Police Station at 12:07 p.m. in CR No. 567 of

2024 for offence punishable under sections 118(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. He would submit that the incident on 27 October 2024 was a result of a scuffle between two rival and contesting groups. He would refer to the relevant paragraphs of the FIR dated 28 October 2024 to primarily point out that it is the case of rage of anger that the applicant acted in a particular manner. He would draw the court's attention to an order of the session court dated 21 November 2024 by which the applicant was granted ad-interim protection on certain terms and conditions, as recorded in the order. He would specifically refer to paragraph no. 3 of the said order where the learned Sessions Judge has taken cognizance of the incident and made certain observations as recorded in the said paragraph. Thereafter, on 27 November 2024, the statement of the present applicant was recorded before the Investigation Officer, Wanvadi Police Station. Mr. Warunjikar would refer to the say/reply of the prosecution dated 23 December 2024 filed before the session court.

3. It is submitted that it becomes evident that there is recovery of weapons and blood stained clothes by the prosecution and also the injury certificate is on record. He would refer to the impugned order of the session court dated 6 February 2025 to submit that for the reasons recorded therein, the anticipatory bail of the present applicant was rejected after the grant of ad-interim protection. He would submit that in such facts and circumstances

custodial interrogation of the applicant is not required particularly, considering that the investigation is almost completed as is evident from the reply filed by the prosecution on 23 December 2024 before the session court, Pune.

4. Ms. P.P. Bhosale, learned APP would strongly oppose such submissions. She would contend that both the FIRs are filed/registered by different police stations. These relates to extremely serious offence particularly that of grievous hurt, at the behest of the applicant. She would submit that statement of the eye witnesses is also recorded. She would further submit that the applicant has some antecedents, details of which have been furnished to the Court. In such circumstances, she would submit that no relief ought to be granted to the applicant at this stage.

5. Heard learned counsel for the applicant and learned APP, with their assistance I have perused the record.

6. In my view, it is not disputed that the incident has taken place as a result of a scuffle between two contesting groups. There is substance in the Mr. Warunjikar submission that investigation is almost completed which is evident from the recovery of weapon, blood stained clothes and injury certificate, as evident from the say of prosecution dated 23 December 2024 of the prosecution filed before the session court, Pune.

7. At this stage, the learned APP would submit that custodial

interrogation is required, as one activa scooter, is to be recovered and blood samples are to be collected.

8. In my view, only for such purposes when the investigation is almost concluded the custodial interrogation of the applicant may not be necessary, at this stage. The applicant was granted interim protection by the order of Session Court dated 21 November 2024 which subsisted until 6 February 2025, when the Anticipatory Bail Application of the applicant was rejected. Nothing seems to have changed from 21 November 2024 to 6 February 2025. As far as the antecedents are concerned, Mr. Warunjikar submits that these are of the year of 2018 and 2019. This appears to be relating to some old case of which Mr. Warunjikar states he is not aware of. He would further submit that there is no conviction in any of these offences though of the year 2018, 2019 with which the prosecution would not dispute.

9. Considering the above facts and circumstances, I am of the *prima facie* view that the applicant deserves some protection at this stage, subject to the following order :-

(i) In the event of arrest of the applicant during the pendency of this proceedings, he would be released on bail on furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount.

(ii) The applicant shall co-operate with the investigation and attend the Wanvadi Police Station on Monday of every week at 11.30 a.m.

untill further orders are passed on this application.

(iii) The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same will be immediately informed to the concerned police station.

(iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, which shall operate subject to further order of the Court.

10. List this application for further consideration on **26 June 2025**.

[ADVAIT M. SETHNA, J.]