

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

Anticipatory Bail Application No.1575 of 2025

Nana Suryabhan Gaikwad
Aged: 41 years, Occ: Labour
Permanently residing at
Lakkadkot Yeola, Dist. Nashik

... Applicant

Versus

The State of Maharashtra
(At the instance of Yeola City
Police Station, Yeola, Dist.-Nashik
C.R.No.127 of 2025

... Respondent

Mr Nilesh Pandey, a/w. Mr Sameer Vispute and Mr Anniruddha Ahire, for the applicant.

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

Police Constable/2325 SB Bodke, Yeola City Police Station, Nashik, is present.

Coram: R.N. Laddha, J.

Date: 21 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.127 of 2025, registered at Yewala City Police Station, Nashik (Rural), for offences punishable under Sections 115, 118(1), 189(2), 189(4), 190, 191(1), 191(2), 324(4), 333 and 351(2) of the Bharatiya Nyaya Sanhita (BNS),

2023.

2. The prosecution case, as set forth in the First Information Report (FIR), is that the applicant, along with the co-accused, formed an unlawful assembly and assaulted the informant with fists and a broken glass bottle, causing injury.

3. The learned Counsel appearing on behalf of the applicant, submits that the present FIR is counterblast to an earlier FIR lodged by the applicant's sister, who is also arrayed as an accused in the present case. He submits that the FIR lodged by the applicant's sister against the present informant pertains to the same incident and is prior in point of time. Further, the injury allegedly suffered by the informant is simple in nature and does not correspond to the allegations of assault with a broken glass bottle as mentioned in the FIR. The learned Counsel also submits that the applicant's sister has previously filed as many as eleven FIR's/ complaints against the present informant. The learned Counsel further submits that all the co-accused persons named in the FIR have already been granted anticipatory bail. The investigation in the matter has been concluded, and there is nothing left to be recovered or discovered from the applicant. The applicant has no criminal antecedents and is willing to cooperate with the investigation.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for anticipatory bail. He contends that the applicant has been specifically named in the FIR, and a specific overt act has been attributed to him. However, the learned APP fairly concedes that the investigation has been concluded, no recovery is pending from the applicant, and the prosecution is in the process of filing the charge sheet.

5. Upon careful perusal of the case records and having considered the rival submissions, it appears that the alleged injury sustained by the informant is simple in nature and does not correspond to the allegations of assault with a broken glass bottle as mentioned in the FIR. The FIR lodged by the applicant's sister is earlier in point of time and pertains to the same incident. Earlier, the applicant's sister have filed multiple complaints against the present informant. All co-accused have already been granted anticipatory bail. Moreover, the investigation in the present crime has been concluded there is nothing left to be recovered or discovered from the applicant.

The prosecution is in process of filing the charge sheet. The applicant has no criminal antecedents and is willing to cooperate with the investigation. The prosecution's apprehension that the applicant may tamper with the evidence

or influence witnesses, can be taken care of by imposing appropriate conditions.

6. In light of the above circumstances, and the fact that the investigation has already been concluded, this Court is inclined to allow the present application. Hence, the following order.

ORDER

(i) In the event of the applicants' arrest in connection with CR No.127 of 2025, registered at Yewala City Police Station, Nashik (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 attend the concerned Police Station as and when required by the Investigating Officer.

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

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]