

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

Anticipatory Bail Application No.1679 of 2025

Dattatray Tatyaram Pondkule

Age:38 yrs, Occ: Farmer

r/at Diksal, Tal. Indapur,

Dist. Pune.

..... Applicant.

Vs.

The State of Maharashtra

(through Bhigwan Police Station,

Dist.Pune)

..... Respondent.

Mr Ranjeet M Pawar for the applicant.

Mr Anand Shalgaonkar APP for the respondent / State.

PC Mr Ansar Kalinder Shaikh, Bhigwan Police Station,
Pune.

Coram : R.N.Laddha, J.

Date : 23 June 2025.

P.C. :

This is an application for pre-arrest bail filed by the applicant, apprehending arrest in CR No.102 of 2025, registered at Bhigwan Police Station, Pune, for offences punishable under Sections 118(2), 119(1), 115(2), 352, and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and Sections 4 and 27 of the Arms Act, 1959 ('Arms Act').

2. The FIR pertains to the incident dated 3 April 2025, wherein it is alleged that the applicant, along with the co-accused, in furtherance of their common intention, abused and assaulted the first informant using a scythe, resulting in bleeding injuries.

3. The learned Counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present crime. According to him, the offences punishable under Sections 118(2) and 119 of the BNS and Sections 4 and 27 of the Arms Act are not applicable to the applicant. There was an inordinate delay in filing the FIR. According to the prosecution, the incident had occurred at about 12:30 in the afternoon, whereas the FIR was lodged at 10:45 p.m. Moreover, the co-accused has already been granted anticipatory bail by this Court on 10 June 2025. The applicant is willing to cooperate with the investigation and comply with all conditions this Court imposes if granted bail.

4. The learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for pre-arrest bail. He submits that the applicant and the co-

accused, in furtherance of their common intention, verbally abused and assaulted the informant and his mother. He contends that the nature of the offence alleged is grave and serious, and grant of anticipatory bail at this stage would impede the ongoing investigation. He further points out that the weapon used by the applicant in the commission of the offence has not yet been recovered, and custodial interrogation is essential for its recovery. The applicant has been specifically named in the FIR, and the preliminary investigation has disclosed his active and direct involvement in the crime. Furthermore, independent eyewitnesses have implicated the applicant in the alleged incident.

5. It is a settled position in law that the power to grant anticipatory bail is extraordinary. While it has been acknowledged in many instances that regular bail is considered the general rule, the same analogy cannot be applied to anticipatory bail. The decision to grant anticipatory bail must be exercised with careful and prudent discretion by the Court, considering each case's specific circumstances. While exercising this power, the Court must exercise caution, as granting protection in a serious case would lead to a miscarriage of justice or hinder the

investigation. A profitable reference in this regard may be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors Vs. State of Bihar & Anr., 2024 SCC OnLine SC 282*.

6. This Court has carefully considered the submissions canvassed across the Bar and perused the records.

7. Upon perusing the records, it appears that the applicant has been specifically named in the FIR, wherein it is alleged that he assaulted the informant by using a scythe which caused bleeding injuries to his palm. The statements of the eyewitnesses, coupled with the medical documentation on record, lend corroboration to the version put forth by the informant. The weapon allegedly used by the applicant and the gold ornaments are yet to be recovered. It further appears that the applicant, the co-accused, and the informant are connected by familial ties.

8. Having regard to the totality of the circumstances, including the gravity of the allegations, the conduct of the applicant and the nature of the material on record, this Court is not inclined to exercise discretion in favour of the

applicant. Accordingly, the application stands rejected.

[R. N. Laddha, J.]