

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1684 OF 2025

Prakash Shivaji Shinde

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Aniket Nikam a/w. Mr. Samit Patil i/b. Mr. Amit Icham, for the Applicant.

Mr. S. A. Karmakar, APP, for the Respondent No.1-State.

Mr. Sanjeev B. Deore a/w. Ms. Suchita Pawar and Mr. Aditya Deore, for the Respondent No.2.

Mr. Rahul Kakade, PSI, attached to Nashik Road Police Station, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 25th SEPTEMBER 2025

PC:-

1. Heard Mr. Aniket Nikam, learned Counsel for the Applicant, Mr. Karmakar, learned APP for the Respondent No.1-State and Mr. Deore, learned Counsel for the Respondent No.2-First Informant.

2. This application is filed under Section 482 of the Bharatiya Nyaya Suraksha Sanhita, 2023 (“**BNSS**”) seeking pre-arrest bail in connection with C.R. No.232 of 2025 registered with Nashik Road Police Station, Nashik City, Nashik, for the offences punishable

under Sections 109(1), 324(4) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. As per the prosecution case, the First Informant’s father had purchased a land in the year 2006 which was of the ownership of the grandfather of the Applicant. A civil dispute has been filed concerning the said transaction by the father of the Applicant in the year 2008 and the same is pending. It is the further case of the prosecution that on many occasions the Applicant had threatened the First Informant and told him to pay additional Rs.50,00,000/- as the prices of the land have escalated to a great extent and it was the contention of the First Informant that as the dispute is pending in the Court, the First Informant and his family will abide by the Court decision. The incident in question took place on 27th April 2025 between 09:30 p.m. to 10:00 p.m. As per the prosecution case, the Applicant took his tractor in the agricultural field of the First Informant and gave dash to the gate and car of the First Informant and tried to kill the First Informant by trying to run over the tractor over the First Informant. It is further alleged that the Applicant took sharp weapon from his tractor and started running behind the First Informant.

4. It is the main submission of Mr. Aniket Nikam, learned Counsel that prosecution has relied on the CCTV footage and during the relevant period for a period of five minutes there was no CCTV footage and the explanation given is that the CCTV footage was having motion sensor and it only works whenever there is motion. In view of the said material on record, it is submitted that the Applicant took out sharp weapon from his tractor and started running behind the First Informant to kill him is totally false case.

5. However, learned APP has shown to this Court the said CCTV footage. Admittedly, the Applicant went to the agricultural field of the First Informant. The said CCTV footage clearly shows the speed with which the First Informant was driving the tractor and that the Applicant has tried to kill the First Informant by trying to run over the tractor over the First Informant. At that time the First Informant ran very fast and therefore he could save himself.

6. Mr. Karmarkar, learned APP and Mr. Deore, learned Counsel appearing for the Respondent No.2-First Informant submits that

the Applicant is involved in the crime, the offence is very serious and therefore, the Anticipatory Bail Application be rejected.

7. It is settled legal position that the Anticipatory Bail is an exceptional remedy and ought not be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence. It has been further held that while exercising power to grant pre-arrest bail, the Court has to be cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.¹

8. It is the further submission of Mr. Nikam, learned Counsel appearing for the Applicant that the First Informant has tried to outrage the modesty of the Applicant's wife and therefore, the incident in question has taken place. However, perusal of the record shows that the incident in question took place on 27th April 2025 between 09:30 p.m. to 10:00 p.m. The FIR has been lodged

1 Nikita Jagganath Shetty v. State of Maharashtra (2025 SCC OnLine SC 1489)

on 28th April 2025 at 06:32 a.m. As far as the said alleged incident concerning the wife of the Applicant, the same has taken place on 27th April 2025 at about 08:00 p.m. and the FIR was lodged concerning said incident on 28th April 2025 at about 06:35 p.m. i.e. after about 12 hours of lodging of the subject FIR and after about 20 hours of the alleged incident. In any case, the incident in question has been captured by CCTV showing the involvement of the Applicant in serious crime.

9. It is also one of the contention of Mr. Aniket Nikam, learned Counsel appearing for the Applicant that the only offence is that the Applicant has rashly and negligently driven the tractor. However, the material on record including CCTV footage shows that deliberately and intentionally tractor was driven by the Applicant in such a manner and in such a speed that it would run over the First Informant with intention to kill the First Informant.

10. As the Supreme Court has said that the Anticipatory Bail is an exceptional remedy and ought not be granted in a routine manner and that there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of

grave offence, therefore, no case is made out for granting pre-arrest bail to the Applicant.

11. The Anticipatory Bail Application is rejected accordingly.

[MADHAV J. JAMDAR, J.]