

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

Anticipatory Bail Application No.1730 of 2025

1. Tejas Anant Sawant
Aged about 22 yrs, Occ: student,
R/at room No.4, Shivshakti chawl,
Vaibhav Nagar, Janupada, Thakur
village, Kandivali East,
Mumbai-400101.

2. Ashish Ashok Rokade
Aged about 28 yrs, Occ:service
R/at Trimurti Welfare Society,
Vaibhav Nagar, Janupada,
Thakur village, Kandivali(E),
Mumbai-400101

..... Applicants.

Vs.

1. The State of Maharashtra
(at the instance of Sr Inspector
of police, Samata Nagar
Police Station)

... Respondent.

Dr Samarth Karmarkar i/by Karmarkar & Associates for the
applicant.

Mr MG Patil, APP for the respondent / State.

PSI Bajrang Desai, Samata Nagar Police Station.

**Coram : R.N.Laddha, J.
Date : 27 June 2025.**

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.395 of 2025, registered at Samata Nagar Police Station, for offences punishable under Sections 352, 351(2), 115(2), 118(2) read with 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. According to the prosecution, on 19 May 2025 the informant and his wife, Nikita, were travelling home on a motorcycle. While on their way, they encountered their friend Shahid near Juna Pada, located in Kandivli (West). As they approached the area, the informant observed some commotion nearby, prompting them to decide to leave the scene immediately. At that moment, applicant No.1, Tejas, approached the informant and began verbally abusing him. In an attempt to de-escalate the situation, the informant tried to reason with Tejas. However, Tejas, responded by slapping him. During the ensuing scuffle between the two, Tejas lost his balance and fell to the ground. Upon seeing Tejas fall, his friend, applicant No.2 Ashish, along with two unidentified persons, rushed to the spot and began physically assaulting the informant. When Nikita and

Shahid intervened in an effort to break up the altercation, Ashish pushed them aside, causing both of them to fall to the ground. Subsequently, Tejas retrieved an iron rod and struck the informant on his left leg with it. In addition, Ashish hit the informant on the head using a steel bracelet.

3. The learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that the applicants have been falsely implicated in the present case. He submits that the applicants have not used any deadly weapons in the commission of the alleged crime. The alleged incident happened due to grave and sudden provocation by the informant. In the incident applicant No.1 himself sustained injuries during the alleged incident at the hands of the informant. The applicants neither intended nor have they caused grievous injury to the informant. The applicants are ready and willing to cooperate with the investigation by attending the concerned police station.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicants' request for pre-arrest bail. He argues that the

nature and gravity of the offence are serious, and that granting anticipatory bail at this stage, would adversely affect the ongoing investigation. He emphasises that independent eyewitnesses have categorically implicated the applicants in the incident. He draws the Court's attention to the fact that the applicants have been explicitly named in the FIR, and that preliminary investigation has revealed their active and direct participation in the commission of the offence. The weapons used by the applicants have not yet been recovered.

5. Upon perusing the records, it appears that the applicants have been specifically named in the FIR, wherein it is alleged that they assaulted the informant with iron rod and steel bracelet. The version of the events narrated by the informant finds corroboration in the statements of eyewitnesses and is further supported by medical papers. The weapons allegedly used by the applicants during the incident have not been recovered as of yet. While it has been asserted that applicant No.1 sustained injuries in the course of the incident, it is significant that he has not lodged any FIR against the informant to date. This absence of a counter FIR raises doubts regarding the veracity of his

claim.

6. Having regard to the totality of the circumstances, I am not inclined to exercise discretion in favour of the applicants. Accordingly, the application stands rejected.

[R. N. Laddha, J.]