

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

Anticipatory Bail Application No.1767 of 2025

Sanket Motiram Hiwrale

Age-25 yrs, Occ: Customer service

R/at Girija Niwas, B/407,

Mhatre Ali, Talav Pali road,

Shivaji Talav, Ghansoli village,

Navi Mumbai, Thane-400 701.

... Applicant

Versus

The State of Maharashtra

Through PP, Criminal AS, HC

Mumbai.

... Respondent

Mr Rajesh Khobragade a/w Mr Raj Gupta, Mr Akash Tayade
and Mr Karan Jethva for the applicant.

Mr Swapnil Walve, APP for the respondent / State.

API Pradeep Dupate, Koparkhairane police station.

Coram : R.N.Laddha, J.

Date : 1 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in
connection with CR No.361 of 2023, registered at

Koparkhairane Police Station, Navi Mumbai, for offences punishable under Sections 109, 115(2), 126(2), 324(2), 351 and 352 of the Bharatiya Nyaya Sanhita, 2023, and Sections 4 and 25 of the Arms Act, 1951.

2. It is the case of the prosecution that on 13 April 2025, around 11:00 p.m., a phone argument broke out between Kumari Drushti Shetty and co-accused Umer, during which derogatory remarks were exchanged. Umer then insulted the informant's associates, Meet Chavda and Kumari Mariyam Mohammed. Around 11:10 p.m., while the informant was returning home with his friend Adil, the applicant confronted him to settle the dispute. Co-accused Umer, Akash, and Pankaj then assaulted the informant and abused him. Pankaj brandished a sickle, threatened to kill the informant, and attempted to attack him, but missed. He then struck Adil with the sickle, injuring his arm. The informant fled, but was chased by the accused. Akash blocked the informant's path near Adarsh Bar, got out of his vehicle, and smashed the rear windshield of the informant's vehicle with an iron weapon.

3. Mr Rajesh Khobragade, learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and

contends that the applicant has been falsely implicated in the present case. The allegations levelled against the applicant are vague, unsubstantiated, and devoid of any specific overt act. The only role attributed to the applicant is that of a mediator in the underlying dispute. As per the averments made in the First Information Report ('FIR'), the applicant neither possessed any weapon nor participated in any act of assault. Even assuming the contents of the FIR to be true on their face, no *prima facie* case is made out against the applicant. The injuries alleged by the informant are stated to have arisen solely from a scuffle between the informant and the co-accused, with no involvement of the applicant herein. The learned Counsel further submits that the co-accused Pankaj has also instituted a cross-FIR against the informant and his associates. The applicant is willing to abide by any conditions imposed by this Court if granted bail.

4. Mr Swapnil Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request, asserting that the alleged offence is of a serious nature. The learned APP expresses concerns regarding the potential risks associated with granting pre-arrest bail, specifically that the applicant may engage in tampering with

evidence or exert influence over witnesses.

5. Upon perusing the records, particularly the contents of the FIR, it appears that the allegations levelled against the applicant pertain to purportedly persuading the informant to resolve the dispute with the co-accused amicably. A plain reading of the FIR does not disclose any specific overt act or unlawful conduct directly attributable to the applicant. The averments made therein essentially pertain to distinct acts allegedly committed by the co-accused, and there is no allegation by the informant that the applicant used any weapon, issued any threats, or caused any bodily harm. It is also material to note that a counter FIR has been launched by the co-accused, Pankaj, against the informant and his associates, which indicates the existence of a cross version of the incident. As regards the apprehensions expressed by the prosecution concerning the possibility of the applicant interfering with the course of investigation, tampering with evidence, or exerting influence over witnesses, appropriate conditions can be imposed. In view of the foregoing and considering the fact that no overt act is attributed to the applicant, and nothing is to be recovered or discovered from him, this Court finds it just and proper to exercise its discretion in favour of the applicant. Hence, the

following order:

ORDER

(i) In the event of the applicant's arrest in connection with CR No.361 of 2023, registered at Koparkhairane Police Station, Navi Mumbai, 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.

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

6. The application stands disposed of accordingly.

[R. N. Laddha, J.]