

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1786 OF 2025

Shivam Sanjay Upadhyay

.. Applicant

Versus

The State of Maharashtra

.. Respondent

.....

- Mr. Ghanshyam Upadhyay a/w. Mr. Vijay Jha, Advocates i/by Law Juris for Applicant.
- Mr. Y. Y. Dabke, APP for Respondent.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 02, 2025

P.C.:

1. Heard Mr. Upadhyay, learned Advocate for Applicant and Mr. Dabke, learned APP for Respondent.

2. The present Anticipatory Bail Application has been placed before me on request made by Mr. Upadhyay.

3. He would submit that matter was placed for hearing before the regular Bench (Coram : R. N. Laddha, J.) who has passed “Not before me” order today i.e. 02.07.2025 which has been made available for benefit of this Court. Since this Court is the alternate Bench, a request has been made by Mr. Upadhyay to hear the matter citing urgency.

4. Mr. Dabke, learned APP enters appearance on behalf of Respondent – State . Copy of Petition is served upon Mr. Dabke. Due

to exigency matter was directed to be listed on the production board at 03:45 p.m. today and order is passed at 03:49 p.m. today itself after hearing the learned Advocates at the bar.

5. *Prima facie*, it is seen that Applicant before me is Shivam Sanjay Upadhyay, age 25 years. An incident has occurred in which Applicant has also been injured grievously. Grievousness of Applicant's injury is seen from the colour photograph appended at Exhibit-A, page No.18 to the Application and Mr. Upadhyay, learned Advocate informs the Court that the incident occurred on the intervening night of 25.06.2025 and 26.06.2025. He would submit that looking at the gravity of injury which can be seen from the photograph appended at page No.18 of the Application, Applicant is admitted in Hinduhriday Samrat Balasaheb Thackerey Trauma Hospital, Jogeshwari (East) and is undergoing treatment.

6. Apprehension expressed by Mr. Upadhyay is that Applicant has not recovered fully and there is every possibility that he will be arrested. According to instructions given to him by the mother of Applicant who has verified the Anticipatory Bail Application on his behalf, the police officers are making regular rounds of the hospital and apprehension is therefore expressed that Applicant may be arrested because of his role in the incident in which he himself has also been grievously injured.

7. That apart, in view of the fact that incident which occurred between the parties has led to filing of cross First Information Reports (for short '**FIR**'), the apprehension expressed by Mr. Upadhyay that he might be arrested and looking at the gravity as also the freshness of injury of Applicant which is barely eight days old for which he is being treated, Mr. Upadhyay would persuade the Court to allow Applicant to take treatment in the hospital until he recovers and is fit enough since he has lost a lot of blood due to the grievous stab injury received by him on left side of his stomach / abdomen and in the meanwhile put Applicant to terms and hear the present Application.

8. Considering the above exigency which has been stated, as also after adhering to submissions made by Mr. Dabke, learned APP that involvement of Applicant in the incident is not ruled out in view of cross FIRs filed and Applicant's FIR being later in point of time, looking at the gravity of the situation and also the fact that Applicant is undergoing treatment in hospital, I am inclined to protect the Applicant for the present.

9. Prosecution is directed not to arrest the Applicant and allow him to undergo treatment appropriately until he recovers in the said hospital. The date on which hospital is set to discharge the Applicant will be informed to the Court on the next adjourned date which will enable the Court to hear the present Anticipatory Bail Application.

Applicant shall not leave from the hospital without leave of the Court during his ongoing treatment.

10. Mr. Dabke, learned APP shall through the Investigating Officer take appropriate instructions from the hospital concerned and accordingly inform the date of his discharge to this Court so that the Application shall be heard by the Court.

11. List the Anticipatory Bail Application on **16th July, 2025** for hearing.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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