

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

Anticipatory Bail Application No.1821 of 2025

Yogesh Prabhakar Karvekar

Age: 49 years, Occ: Business,

R/at: 9/72, Gandhi Camp, In front of

Devang Mill, Ichalkaranji

Dist - Kolhapur

... Applicant

versus

The State of Maharashtra

Through Shivaji Nagar Police Station

Ichalkaranji Vide C.R.N0.378/2025

... Respondent

Mr Santosh Mane, for the applicant.

Mr Prashant Jadhav, APP, for the respondent/ State.

API Sharad Kaka Waydande, Shivaji Nagar Police Station,
Ichalkaranji, is present.

Coram: R.N. Laddha, J.

Date: 4 July 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.378 of 2025, registered at Shivaji Nagar Police Station, Ichalkaranji-Kolhapur, for offences punishable under Sections 109, 189(2), 189(4), 193(3), 190, 352, 351(2), 238, 324(4) and 191(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The prosecution alleges that on 2 June 2025, between 11:00 p.m. and 11:30 p.m., the applicant and the co-accused formed an unlawful assembly and, with the intent to commit murder, assaulted the informant and his friends with sticks, sharp weapons, and stones.

3. Mr Santosh Mane, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the FIR lacks specific allegations against the applicant in the commission of the alleged offence. He submits that, apart from the applicant's alleged presence at the scene, purportedly captured in CCTV footage recovered by the investigating agency, there is no incriminating material on record to demonstrate his active participation in the crime. The learned Counsel argues that the applicant has been falsely implicated in the present case, and his mere presence, as claimed, cannot be construed as sufficient evidence of culpability. Furthermore, the applicant is willing to comply with any terms and conditions that this Court may deem fit to impose.

4. Mr Prashant Jadhav, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that there is a history of hostility between the factions associated with the

informant and those linked to the accused, which forms the backdrop of the present incident. The learned APP contends that CCTV footage obtained from the scene of the offence clearly establishes not only the presence of the applicant at the spot but also his active involvement in the violent assault perpetrated on the informant and his friends. The informant has distinctly identified the applicant in the CCTV footage and has also specifically named him in the FIR. The incident resulted in two individuals sustaining grievous injuries, to the extent of losing consciousness. Furthermore, eyewitnesses to the incident have corroborated the sequence of occurrence and the participation of the applicant. Out of the total 22 persons named as accused in the case, 18 have already been apprehended and remain in custody. The learned APP further points out that the investigation is still at a nascent stage insofar as the applicant is concerned, with crucial aspects such as the recovery of the weapon used in the crime yet to be completed. He argues that custodial interrogation of the applicant is necessary for the effective progress of the investigation. Given the serious nature of the offence and the plausible risk of the applicant tampering with evidence or attempting to influence witnesses, Mr Jadhav vehemently argues that the applicant does not deserve the protection of pre-arrest bail at this stage.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records.

6. It is a settled position in law that the power to grant anticipatory bail is extraordinary and must be used with caution and discretion, based on the specific facts of each case. Unlike regular bail, it cannot be treated as a general rule. Courts must avoid a one-size-fits-all approach, as granting such pre-arrest bail in serious cases may affect the investigation. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr.*, 2024 SCC OnLine SC 282.

7. A bare perusal of the records reveals that the applicant stands accused of being an active participant in an unlawful assembly. It is alleged that, in connivance with the co-accused, he perpetrated a violent assault on the informant and his companions. The attack, allegedly executed using sticks, sharp-edged weapons, and stones, appears to have been carried out with clear intention of endangering the lives of the victims.

8. The FIR specifically names the applicant as the principal assailant. Furthermore, the available CCTV footage, *prima facie*, corroborates his involvement in the incident. The brutality of assault is underscored by the fact that two victims

sustained grievous injuries, resulting in their loss of consciousness. The material available on record, *prima facie*, points to the direct involvement of the applicant in the commission of the offence. The weapons allegedly employed during the assault have not yet been recovered, and the investigation remains at a nascent stage. Several co-accused have already been arrested and are presently in judicial custody.

9. Considering the gravity of the accusations, the nature of the injuries caused, and the nascent stage of the investigation so far as the present applicant is concerned, this Court is not inclined to exercise its discretion in favour of the applicant. Accordingly, the application stands rejected.

(R.N. Laddha, J.)