

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

Anticipatory Bail Application No.1857 of 2025

Mayur Vasudev Patil

Age: 29 yrs. Occ: Farmer

R/at Chari (Rayande) Po: Poynad,

Tal-Alibag, Dist. Raigad

... Applicant.

Vs.

The State of Maharashtra

through Poynad Police Station

... Respondent.

Mr Prashant Kuchekar for the applicant.

Mr Prashant Jadhav, APP for the respondent / State.

Coram : R.N.Laddha, J.

Date : 11 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.51 of 2025, registered at Poynad Police Station, Raigad, for offences punishable under Sections 115(2), 118(1), 118(2), and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 31 May 2025, at around 9:30 p.m., an altercation broke out near Pezari Fish Market between the informant and the applicant, over

harassment that the co-accused had directed toward the informant's daughter. Approximately an hour later, at around 10:30 p.m., the applicant, along with the co-accused, approached the informant's home with malicious intent. They launched a brutal assault on him, delivering a flurry of punches and kicks. In a particularly vicious move, the applicant struck the informant in the face with a hard object, causing grievous injuries that resulted in bleeding. Before fleeing the scene, the accused made threats towards the informant.

3. Mr Prashant Kuchekar, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that the applicant has been falsely implicated in the crime. According to the learned Counsel, the FIR was lodged with *malafide* intentions, as the informant's daughter and the co-accused were in a consensual relationship. The learned Counsel submits that there is a two-day delay in lodging the FIR. The co-accused has already been granted bail, and the applicant is willing to abide by any conditions set forth by this Court if granted bail.

4. Mr Prashant Jadhav, the learned Additional Public

Prosecutor representing the respondent/ State, opposing the applicant's request for pre-arrest bail, contends that the offence is of a grave and serious nature. In a display of aggression, the applicant, fuelled by a grudge from earlier that day, went to the informant's house and launched a vicious assault. He struck the informant with punches, kicks, and a hard object, inflicting severe injuries to the vital areas of the body. The weapon used in the crime is yet to be recovered, necessitating the applicant's custody. The investigation is ongoing, and if the applicant is granted pre-arrest bail, he may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival contentions 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. All these aspects are highlighted in the

decision of the Hon'ble Supreme Court in *Srikant Upadhyay v. State of Bihar*, 2024 SCC OnLine SC 282.

7. Upon perusing the records, the allegations against the applicant predominantly pertain to an incident in which the applicant, accompanied by the co-accused, approached the informant's residence shortly after an altercation took place between them in the marketplace. The applicant allegedly engaged in a brutal assault on the informant, utilising kicks and punches, and striking the informant in the face with a hard object, which resulted in serious bleeding injuries. Further, the applicant also allegedly threatened the informant before fleeing the scene. The applicant is named explicitly in the FIR, with a clear role attributed to him. *Prima facie*, the material available on record indicates that the applicant assaulted the informant using a hard object and inflicted bleeding injuries. The investigation is in progress, and the weapon allegedly used by the applicant is yet to be recovered. In these circumstances, the applicant's custodial interrogation would be necessary.

8. Considering the nature of the allegations, the gravity of the offence, and the ongoing investigation, this Court is

not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

[R. N. Laddha, J.]