

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

**Anticipatory Bail Application No.1878 of 2025**

Dinesh Ananta Patil

Age: 36 years, Occ: Business,

R/at: Vakipada, post Lonad,

Tal. Kalyan, Dist. Thane

... Applicant

versus

State of Maharashtra

(Through Khadakpada Police

Station), Kalyan, Dist Thane

in CR No.890 of 2024

... Respondent

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Mr Jayendra Khairnar, for the applicant.

Mr Arfan Sait, APP, for the respondent/ State.

PSI Arjun Dandegaonkar, Khadakpada Police Station, Thane.

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**Coram: R.N. Laddha, J.**

**Date: 10 July 2025**

**P.C.:**

By this application, the applicant seeks pre-arrest bail in connection with CR No.890 of 2024, registered at Khadakpada Police Station, Kalyan, Thane, for offences punishable under Sections 74, 115, 118(2), 351(3), 189(2), 189(3) and 189(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution contends that on 18 December 2024, the applicant, in connivance with the co-accused, deliberately

formed an unlawful assembly with a common intention to launch a violent and premeditated assault on the informant, as well as his brother and wife. It is alleged that the group, armed with iron rods, pipes, wooden sticks and planks, carried out a coordinated and targeted attack. The assault was executed with brutality, resulting in grievous and bleeding injuries being sustained by the victims/ injured.

3. Mr Jayendra Khairnar, 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. He points out that a counter-FIR has been lodged by one of the co-accused against the informant, arising from the very same incident, thereby casting doubt on the veracity of the allegations. The learned Counsel further submits that the investigation in the matter has been completed and has culminated in the filing of the charge sheet. In light of this development, he contends that there remains no necessity for custodial interrogation, as nothing is to be recovered or discovered from the applicant. Additionally, Mr Khairnar submits that the applicant is willing to comply with any conditions set forth by this Court if granted bail.

4. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's

request for pre-arrest bail. He submits that the applicant, in collusion with the co-accused, was part of an unlawful assembly that had gathered with a deliberate and premeditated intention to launch an attack on the informant and his family. The learned APP further submits that the CCTV footage, coupled with the statements of eyewitnesses, demonstrates the applicant's active participation in the commission of the offence. He further submits that the informant's brother sustained grievous injuries, during the course of the assault and suffered substantial blood loss and was rendered unconscious by the time he was admitted to the hospital. The learned APP also draws the Court's attention to an additional allegation namely, that the informant's wife was subjected to inappropriate physical contact with the apparent intent to outrage her modesty, followed by a physical attack. Although a charge sheet has been filed against the co-accused, the investigation in respect of the applicant is still underway. The learned APP further argues that in view of the gravity of the offence, there exists a significant and real apprehension that, if granted pre-arrest bail, the applicant may attempt to tamper with the evidence or exert undue influence on the 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, it appears that the applicant, along with the co-accused, formed an unlawful assembly and, in a brazen act of violence, attacked the informant, his wife and brother, using iron rods, pipes, wooden sticks and planks. The informant's brother sustained grievous injuries, resulting in heavy bleeding and subsequent loss of consciousness. The informant was also targeted and received bleeding injuries. There are eyewitnesses to the incident and the CCTV footage *prima facie* indicates the applicant's presence at the spot. Notably, the applicant is not a resident of the building, where the alleged incident occurred. The nature of the offence is undeniably grave, involving an element of premeditated and collective violence. There is sufficient material available on record to demonstrate the applicant's involvement in the crime.

The weapon allegedly used by the applicant is yet to be recovered, and the investigation in respect of the applicant is still in progress.

8. In the totality of the circumstances, including the seriousness of the allegations, the extent of injuries suffered by the victims, this Court finds no justification to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

**(R.N. Laddha, J.)**