

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

Anticipatory Bail Application No.1896 of 2025

Sushil Sasane

Age: 38 years, Occ: Business,

R/at: near Takshashila,

Buddha Vihar, Shilpkar Nagar,

Kurwande, Pune 410 402.

... Applicant

versus

State of Maharashtra

(Through Lonavala City

Police Station, Pune Rural)

... Respondent

Mr Vishal Kanade i/by Aadesh Konde Deshmukh, for the applicant.

Mr Pankaj Deokar, APP, for the respondent/ State.

Mr Abnave, IO HC, Lonavala City Police Station, present.

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.195 of 2025, registered at Lonavala Police Station, Pune Rural, for offences punishable under Sections 115(2), 118(2), 189(2), 189(4), 351(2), 352(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 10 May 2025, around

5:30 p.m., the applicant, along with the co-accused, formed an unlawful assembly and assaulted the informant, his brother, and nephew, with kicks, punches, and an iron rod with the intention to kill them.

3. Mr Vishal Kanade, the learned Counsel appearing on behalf of the applicant, asserts the applicant's innocence and contends that a property dispute exists between the informant and the applicant's brother, which is pending before the civil Court. The applicant did not participate in the assault but merely intervened to mitigate the conflict when the informant and his associates brutally assaulted him. The applicant himself sustained bleeding injuries in the alleged incident. The learned Counsel submits that the present FIR is a retaliatory action against co-accused Roshan's FIR about the same incident, where the Sessions Court has refused the informant's application for pre-arrest bail. The learned Counsel further submits that the applicant has been falsely implicated in the crime and is ready to abide by any conditions this Court imposes if granted bail.

4. Mr Pankaj Deokar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and submits that the

applicant and the co-accused formed an unlawful assembly and attacked the informant and his family members using punches, kicks, and an iron rod with the intention to kill them. The offence is of a serious nature. If the applicant is released on pre-arrest bail, he may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar.

6. Upon perusing the records, more particularly the contents of the FIR, it appears that the applicant is accused of allegedly assaulting the informant and his family members with fists and kicks. As per the FIR itself, no weapon has been allegedly used by the applicant. Notably, the alleged incident occurred on 10 May 2025, yet the FIR was lodged only on 21 May 2025, without any plausible explanation for the delay. The co-accused lodged a counter-FIR against the informant and his associates on 11 May 2025, wherein the informant's application for pre-arrest bail was rejected on 1 July 2025. *Prima facie*, the informant appears to have sustained simple injuries. The weapon allegedly used in the crime has been recovered from the co-accused, nothing is to be recovered or discovered from the applicant, and the investigation is almost complete. The

prosecution's apprehensions about potential evidence tampering and witness influence can be addressed by imposing suitable conditions. In the circumstances, this Court is inclined 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.195 of 2025, registered at Lonavala Police Station, Pune Rural, 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.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)