

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

Anticipatory Bail Application No.1898 of 2025

1. Harsh @ Harish Chandan
Age: 43 years, Occ: Business,
R/at: Flat No.1502, 15th floor,
Le Palazzo CHS, August Kranti Marg,
Nana Chowk, Cumbala Hill,
Mumbai 400026.

2. Harsh Parmar
Age:42 years, Occ.: Business,
R/at: 46/50, 2nd floor,
Room No.24/25, Kika Street,
Opp Satyanaryan Mandir,
Gulalwadi, Girgaum,
Mumbai 400 004.

... Applicants

versus

State of Maharashtra
(Through Lonavala City
Police Station, Pune Rural)

... Respondent

Mr Karansingh Rajput 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.:

The applicants apprehend arrest 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, and have filed the present application seeking pre-arrest bail.

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 Karansingh Rajput, the learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that the informant and his family members frequently encroached upon the land owned by Applicant No.2, for which civil proceedings are ongoing before the civil Court. The learned Counsel submits that the present FIR is a retaliatory measure following co-accused Roshan's FIR regarding the same incident, where the Sessions Court denied the informant's request for pre-arrest bail. The informant and his associates were the aggressors, and the co-accused sustained grievous

injuries. Mr Rajput submits that the applicants did not participate in the assault; applicant No.1 merely video-graphed it and no overt act is attributed to him. Furthermore, no specific role has been attributed to applicant No.2. The learned Counsel further submits that the applicants have been falsely implicated in the crime and are 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 applicants' request for pre-arrest bail and submits that the applicants 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 applicants are released on pre-arrest bail, they 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 applicants are accused of allegedly assaulting the informant and his family members with fists and kicks. Admittedly, the applicants are not accused of

using any weapon in the incident. The alleged incident took place on 10 May 2025, yet the informant reported it only on 21 May 2025. This gap of eleven days remains unexplained and raises doubt about the informant's version of events, especially when one of the co-accused lodged a counter-FIR against the informant and his associates on 11 May 2025. In this context, it is pertinent to note that the informant had applied for pre-arrest bail in the counter-FIR, which request was denied by the Sessions Court, citing the grievous nature of the injuries suffered by the co-accused and utterance of insults to humiliate the members of a Scheduled Caste in a place within public view. That apart, the informant appears to have sustained simple injuries. Furthermore, the alleged weapon associated with the crime has been recovered from the co-accused, nothing is to be recovered or discovered from the applicants, 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 applicants. Hence, the following order:

ORDER

- (i) In the event of the applicants' arrest in connection with CR No.195 of 2025,

registered at Lonavala Police Station, Pune Rural, they shall be released on bail upon executing a PR Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required.

(iii) The applicants, themselves or through any other person, shall refrain from tampering with the evidence or influencing witnesses.

7. The application stands disposed of accordingly.

(R.N. Laddha, J.)