

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

Anticipatory Bail Application No. 1909 of 2025

Karan Siddharth Sawale

Age 26 years, Occ. Driver,

R/at.: Dr Ambedkar Nagar,

Near Chopda Court,

Ulhasnagar -3, Dist. Thane.

... Applicant

versus

The State of Maharashtra

(At the instance of Police Inspector,

Central Police Station, CR No.I 365/2025)

...Respondent

Mr Kiran Shantaram Nikam, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

PSI Pravin Khandare, Central Police Station, Thane City.

Coram: R.N. Laddha, J.

Date: 14 July 2025

P.C.:

. By this application, the applicant seeks pre-arrest bail in connection with CR No.365 of 2025, registered at Central Police Station, Thane City, for offences punishable under Sections 118(1) and 324(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 12 May 2025, at the KK

Rossal Residency Hotel & Lodging, the applicant, along with the co-accused, willfully damaged the articles within Room No.302 of the establishment. When the informant asked them to vacate the room, they assaulted him with slaps and punches and co-accused Jagdish inflicted additional harm by attacking the informant with a metallic bracelet, resulting in injuries to the informant's nose and left eye.

3. Mr Kiran Nikam, 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. The applicant is not named in the FIR, and no overt act has been attributed to him. Even according to the prosecution's own version there is no allegations that the applicant used or was in possession of any weapon during the incident. The learned Counsel further submits that there is no recovery or discovery pending at the instance of the applicant, and therefore, his custodial interrogation serves no purpose at this stage. The learned Counsel submits that the co-accused persons, whose roles are either similar or more grave, have already been granted bail. In view of the above, the applicant seeks parity in treatment. The applicant is ready to cooperate with the investigation and is willing to comply with any conditions that may be imposed by this Court.

4. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and submits that the offence is of a grave and serious nature. The informant sustained grievous injuries in the incident. He further submits that although the applicant was initially described as an unidentified person in the FIR, subsequently, during the course of investigation, the applicant's involvement in the crime was revealed. Nonetheless, the learned APP fairly concedes that the investigation in the matter has been completed, and nothing is to be recovered or discovered from the applicant.

5. Upon perusing the records, it appears that the applicant is not named in the FIR. Although the prosecution claims that the applicant was seen in the CCTV footage while beating the complainant; however, he was not identified by any of the witnesses. Notably, in the FIR the applicant is shown as an unidentified person. The remand report dated 28 May 2025 did not suggest the applicant's presence at the scene of occurrence at the relevant time. That apart, the learned APP fairly concedes that the investigation has concluded, and nothing is to be recovered or discovered from the applicant. The weapon allegedly used by the co-accused, who was released on bail, has already been recovered. The prosecution's

apprehensions about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions.

6. In light of the above and considering the fact that the investigation is almost complete and nothing is to be recovered from the applicant, this Court finds it fit 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.365 of 2025, registered at Central Police Station, Thane City, 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 activities that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R.N. Laddha, J.]