

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

Anticipatory Bail Application No.1917 of 2025

Vishwas Bhagwan Gajarmal

Age: 53 yrs, Occ. Business,

R/at: Trishul App 46/6,

Shivaji Park, Sec 18, Mahatma

Phule Nagar, Chinchwad, Pune.

... Applicant

versus

The State of Maharashtra

(Through Nigdi Police Station, Pune)

... Respondent

along with

Interim Application No.2661 of 2025

in

Anticipatory Bail Application No.1917 of 2025

Jamil Abdul Pathan

Age 38 yrs, Occ. Business,

R/o Ajntha Nagar, Pimpri

Chinchwad 411019.

... Victim/
Intervenor

In the matter between:

Vishwas Bhagwan Gajarmal

Age: 53 yrs, Occ. Business,

R/o: Shivaji Park, Mahatma

Phule Nagar, Chinchwad, Pune.

... Applicant

versus

The State of Maharashtra

(At the instance of the PI

Nigdi Police Station, Dist Pune)

... Respondent

Mr Priyal Sarda, along with Mr Sachin Zalte, Mr Naagesh Khedkar and Mr Shubham Sane, for the applicant.

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

PI Bhojraj Misal, Nigdi Police Station.

Coram : R.N. Laddha, J.

Date : 6 August 2025.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.171 of 2025, registered at Nigdi Police Station, Pimpri Chinchwad, for offences punishable under Sections 135 read with 37(1)(c) of the Maharashtra Police Act, 1951, and Sections 109, 118(1), 189(1), 189(2), 190 and 191(1) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the case of the prosecution that on 1 June 2025, the applicant, along with the co-accused, formed an unlawful assembly and, with the intention to kill the injured Jamil, violently attacked him using iron pipes, paving blocks, gas pipes, kicks and punches, targeting vital parts of the body and causing grievous bleeding injuries. When the informant attempted to intervene and rescue the injured, the applicant and the co-accused blocked his way and assaulted him using a cement block, injuring his hand.

3. Mr Priyal Sarda, the learned Counsel appearing on behalf

of the applicant, has, at the very outset, asserted the applicant's innocence, submitting that the present prosecution is a result of false implication and motivated allegations. He contends that the alleged accusations are rooted primarily in a prior rent-related transaction between the applicant and the injured Jamil's sister, coupled with the purported allegation that the applicant, under the pretext of collecting a cheque, summoned the informant to the location where the alleged incident subsequently occurred. Further, the learned Counsel submits that the prosecution is coloured by political animosity, inasmuch as the applicant, being a former corporator, had, in the year 2017, contested the PCMC elections through his wife against the wife of the present informant. The learned Counsel further submits that the applicant's name does not find mention in the FIR and that no material whatsoever connects the applicant to the commission of the alleged offence, save and except the statement of the co-accused. The learned Counsel submits that the alleged role of the applicant surfaced for the first time only in the second remand application pertaining to the co-accused, and that, apart from such statement, the record is bereft of any corroborative evidence implicating the applicant.

4. Mr Sarda submits that the alleged incident is stated to

have occurred on 1 June 2025, yet the FIR came to be lodged only on 2 June 2025, after a considerable delay. The learned Counsel points out that the co-accused persons have already been arrested and recoveries effected at their behest; hence, further custodial interrogation of the applicant would serve no useful purpose.

5. The learned Counsel further submits that the applicant is ready and willing to abide by any conditions this Court may impose for securing his presence during the trial. In support of his contentions, reliance is placed upon the decision in *Bhadresh Bipinbhai Sheth Vs State of Gujarat, 2016 (1) SCC Cri 240*.

6. Mr Arfan Sait, the learned Additional Public Prosecutor representing the respondent/ State, has vehemently opposed the prayer of the applicant for the grant of pre-arrest bail. It is his submission that the offence alleged is of a grave and serious nature warranting no indulgence of pre-arrest protection. The learned APP submits that the applicant, under the pretext of delivering a cheque, deceitfully induced the injured, one Jamil, to approach the place of occurrence. The applicant, in collusion with the co-accused, had premeditated and orchestrated the assault upon the injured. Drawing the Court's attention to the CCTV footage transcripts, the learned APP submits that the

visual evidence clearly establishes the presence of the applicant at the scene, in the company of the co-accused. While the co-accused is seen mercilessly assaulting the injured Jamil, the applicant is observed to have strategically positioned himself so as to block the ingress and egress points, preventing bystanders from rendering assistance to the injured. The footage further depicts the applicant actively instigating the co-accused to continue the assault.

7. The learned APP emphasises that there are eyewitnesses who have categorically and unequivocally implicated the applicant in the commission of the offence. The learned APP further submits that the injured sustained as many as fourteen severe injuries on vital parts of the body, resulting in loss of consciousness and the victim lying in a pool of blood. Owing to the critical condition of the injured, his statement could be recorded only after a lapse of three days during his hospitalisation. Although the applicant's name does not find mention in the initial FIR, the learned APP points out that his role emerged during the course of investigation. The learned APP further submits that certain weapons used in the commission of the offence are yet to be recovered, and that the identity of some other assailants remains to be ascertained, for which the custodial interrogation of the applicant is necessary.

8. The learned APP also draws attention to the applicant's past position as a corporator, underscoring his considerable local influence. This, according to the prosecution, raises a grave apprehension that, if enlarged on anticipatory bail, the applicant may misuse his position to tamper with material evidence and to exert undue influence over prosecution witnesses, impeding the course of justice.

5. This Court has given anxious consideration to the rival contentions and perused the records.

6. It is a settled position in law that granting pre-arrest bail is an extraordinary power. While regular bail is generally considered the norm, the same principle does not apply to anticipatory bail. Considering each case's specific circumstances, the Court must exercise careful and prudent discretion when deciding whether to grant pre-arrest bail. There is no straitjacket formula. Caution is necessary, as granting protection in serious cases could hinder investigation or lead to a miscarriage of justice by allowing tampering with evidence. These aspects are highlighted in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon perusing the records, it appears that the alleged

incident occurred on the night of 1 June 2025 and came to be reported to the authorities on 2 June 2025. The applicant was not initially named in the FIR; however, his alleged complicity in the offence surfaced during the course of the investigation. The material placed on record *prima facie* indicates that the applicant, under the guise of delivering a cheque, summoned the injured person, Jamil, to the scene of the incident. The CCTV footage transcripts reveal that the applicant arrived at the location in the company of the co-accused persons, with whom he allegedly formed an unlawful assembly, pursuant to a pre-conceived plan to commit a violent assault upon Jamil. The said footage, corroborated by the eyewitness's testimony, depicts a concerted attack wherein the co-accused brutally assaulted Jamil with iron pipes, paver blocks, gas pipes, and by means of kicks and punches, targeting vital parts of his body. As a result, Jamil sustained grievous injuries and was rendered unconscious, lying in a pool of blood. It further appears from the transcript of the CCTV footage, read in conjunction with eyewitness statements, that the applicant actively participated in the commission of the offence. He is alleged to have positioned himself so as to block the ingress and egress of the location, thereby preventing any immediate rescue of Jamil. The applicant is further alleged to have instigated the co-accused to inflict severe injuries upon Jamil and, when the informant

attempted to render aid, assaulted the informant with a brick and issued threats to deter such rescue efforts. Subsequent to the assault, the accused persons fled the scene, and the injured Jamil had to be admitted to a hospital for prolonged treatment. Due to the severity of his condition, he was initially unfit to provide a statement. The medical records are consistent with the nature of the alleged injuries, and multiple eyewitness accounts specifically implicate the applicant as an instigator and active participant. There appears to be no discernible reason for the informant, witnesses, or the injured to falsely implicate the applicant in this case.

8. *Prima facie*, there exists sufficient material to indicate the applicant's direct involvement in the commission of the alleged offence. Certain weapons allegedly used in the assault remain to be recovered. The applicant's custodial interrogation is, therefore necessary, *inter alia*, to ascertain the identity of as-yet-unknown assailants. Given that the investigation is still at a nascent stage, the possibility of the applicant tampering with evidence or influencing witnesses cannot be ruled out. At this juncture, extending the relief sought would, in the considered view of the Court, pose a substantial risk to the efficacy of the ongoing investigation.

9. In light of the totality of the circumstances, the gravity of

the allegations, the nature and extent of injuries sustained by the injured, the nascent stage of the investigation, and the material available on record, this Court is not inclined to exercise its discretion in favour of the applicant. Resultantly, the application stands rejected. As a sequel, the pending application is also disposed of.

(R.N. Laddha, J.)