

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

Anticipatory Bail Application No. 1941 of 2025

1. Umesh Eknath Pawar
Age 27 years, Occ. Service,

2. Gurunath Posha Pawar
Age 63 years, Occ. Agriculturist,

3. Darshana Damodar Pawar
Age 49 years, Occ. Housewife,
All residing at Village – Koshimbe,
Post – Dugad, Wada Road,
Tal. Bhiwandi, Dist. Thane-421302.

... Applicants

versus

The State of Maharashtra
(Through Ganeshpuri Police Station,
Taluka Bhiwandi, Dist. Thane.)

...Respondent

Mr Salman Khan, for the applicants.

Mr Anand Shalgaonkar, APP, for the respondent / State.

PSI U M Khirad, Ganeshpuri Police Station, Thane Rural, is
present.

Coram: R.N. Laddha, J.

Date: 29 July 2025

P.C.:

The applicants apprehend arrest in connection with CR
No.77 of 2025, registered at Ganeshpuri Police Station,
Bhiwandi, Thane, for offences punishable under Sections
115(2), 118(1), 118(2), 351, and 352(2) read with 3(5) of the

Bharatiya Nyaya Sanhita, 2023, and have preferred the present application seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The prosecution alleges that on 19 May 2025, around 11:50 a.m., applicants No.1 and 2 were installing tin sheets that obstructed a road on the informant's property. When the informant's elder brother, Prabhakar, asked them to move the sheets, an argument escalated into a physical assault. Applicants No.1 and 2, along with the co-accused, assaulted Prabhakar with wooden sticks. When the informant intervened, they kicked and punched him. The co-accused then struck the informant's father, Parshuram, on the head with a wooden stick, causing serious injury. Applicant No.3 pushed the informant's sister-in-law, Pramila, and applicant No.2 hit her hand with a wooden stick, also causing grievous injury. The informant's brother, Santosh, was also pushed and verbally abused.

3. Mr Salman Khan, the learned Counsel appearing on behalf of the applicants, asserts the applicants' innocence and contends that the applicants have been falsely implicated in the crime. He submits that the informant, injured, and the applicants are relatives. The informant and his family members were the aggressors in the incident, and the applicants sustained

injuries. A counter-FIR has been lodged against them. The present FIR is registered only to harass and coerce the applicants. The learned Counsel submits that there is nothing to be recovered or discovered from the applicants, and the applicants are willing to abide by any conditions set forth by the Court if granted pre-arrest bail.

4. On the other hand, Mr Anand Shalgaonkar, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail. He submits that over a land dispute, the applicants, in connivance with the co-accused, quarrelled, verbally abused, threatened, and physically assaulted the informant and his family members, causing serious injuries. The investigation is in progress, and the weapon used in the crime has not yet been recovered. If granted pre-arrest bail, the applicants may tamper with the evidence or influence witnesses.

5. This Court has given anxious consideration to the rival contentions canvassed across the Bar 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. These aspects are also highlighted in the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr.*, 2024 SCC OnLine SC 282.

7. Upon perusing the records, more particularly the contents of the FIR, it appears that applicants No.1 and 2, along with the co-accused, assaulted the informant's brother with wooden sticks. When the informant intervened, they kicked and punched him. The informant's father was struck on the head, resulting in serious injury. While applicant No.3 pushed the informant's sister-in-law, applicant No.2 injured her hand with a stick. *Prima facie*, the medical papers align with the allegations levelled against the applicants, and there are eyewitnesses to the incident. Furthermore, the records reveal that the applicants, the injured, and the informant are relatives, and long-standing disputes exist between them over land. A counter-FIR has been filed by the applicants against the informant and his family members; however, the present FIR is prior in time. The weapons allegedly used in the crime are yet to be recovered, and the investigation is ongoing. Releasing the applicants at this preliminary stage would hinder the course of an effective investigation. In these circumstances, this Court is

not inclined to exercise its discretion in favour of the applicants. As a result, the present application stands rejected.

(R.N. Laddha, J.)