

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

Anticipatory Bail Application No.1990 of 2025

Nitin Rajaram Salve
Age: 32 yrs, Occ: Service
R/of Village Shingve Bahula,
Deolali camp, District-Nashik. ... Applicant
(Org.Accused No.5)

Vs.

The State of Maharashtra
At the instance of Deolali camp
police station, Nashik ... Respondent.

Mr Akshay Bankapur for the applicant.
Mr SV Walve, APP for the respondent / State.
PC Nitin Manohar Bagul, Deolali police station, Nashik.

**Coram : R.N.Laddha, J.
Date : 21 July 2025.**

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.35 of 2025, registered at Deolali Camp Police Station, Nashik, for offences punishable under Sections 352, 191(3), 191(2), 190, 189(2), 118(2), 118(1), 115(2) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 14 April 2025,

at about 2:30 a.m., at Buddha Vihar located in the Rajwada area of Shingve Bahula, Deolali Camp, Nashik, the applicant/accused, along with the co-accused, formed an unlawful assembly and assaulted the informant with a wooden log and an iron rod.

3. 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 present case, with no credible evidence to substantiate the allegations against him. The applicant has been dragged into the proceedings maliciously, particularly in light of the fact that the applicant's wife had lodged an FIR against the present informant, which raises serious doubts about the *bona fides* of the current accusations. Furthermore, it is an admitted position that the applicant did not wield or use any weapon during the course of the alleged incident. The weapons purportedly used by the co-accused have already been recovered, there remains no recovery or discovery to be made from the applicant. The learned Counsel further draws attention of this Court to the significant and unexplained delay in lodging the FIR. The alleged incident is said to have occurred on 14 April 2025, whereas the FIR

was lodged only on 20 April 2025. The delay of six days cast a serious doubt on the veracity and spontaneity of the FIR. Lastly, the learned Counsel submits that the investigation in the matter has already been concluded and the custodial interrogation of the applicant is not at all necessary.

4. On the contrary, the learned APP representing respondent/ State opposes the applicant's plea for pre-arrest bail and submits that the offence is of a grave and serious nature. The applicant, along with the co-accused, formed an unlawful assembly and assaulted the informant with wooden log and an iron rod. In the incident the applicant suffered grievous injury.

5. Upon perusing the records, it appears that there has been an inordinate and unexplained delay of six days in lodging the FIR. The applicant's wife has also lodged an FIR against the informant. Admittedly, there is no allegation in the present FIR that the applicant used any weapon during the course of the incident. The weapons allegedly used by the co-accused have already been recovered. Moreover, the investigation in this matter has been

concluded, and there remains no further recovery or discovery to be made from the applicant. These circumstances collectively diminish the necessity of custodial interrogation of the applicant.

6. In light of the foregoing, this Court deems it appropriate to allow the application. Accordingly the application is allowed on the following terms.

ORDER

(i) In the event of the applicant's arrest in connection with CR No.35 of 2025, registered at Deolali Camp Police Station, Nashik, 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 by the investigating officer till filing of the charge sheet.

(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.]