

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

Anticipatory Bail Application No. 2155 of 2025

1. Ankush Kathod Patil

Age 67 years, Occ. Farmer,

2. Pandurang Kathod Patil

Age 62 years, Occ. Farmer,

3. Chandrakant Kathod Patil

Age 55 years, Occ. Farmer,

All residing at Mohacha Pada,

Awlote Gaon, Post Dugaad,

Taluka Bhiwandi, Dist. Thane.

... Applicants

versus

The State of Maharashtra

(At the instance of Ganeshpuri

Police Station, Dist. Thane.)

...Respondent

Mr Karim Pathan, Mr Shane Illahi Turkey and Mr Zaki Shaikh,
for the Applicants.

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

PSI Mayur Shewale, Ganeshpuri Police Station, Dist. Thane.

Coram: R.N. Laddha, J.

Date: 4 August 2025

P.C.:

. This is an application for pre-arrest bail filed by the
applicants, who are apprehending arrest in CR No.89 of 2025,

registered at Ganeshpuri Police Station, Thane Rural, for offences punishable under Sections 118(1), 115(2), 189(2), 191(2), 191(3), 190, 352 and 352(2) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 11 June 2025, the applicant, along with the co-accused, formed an unlawful assembly and assaulted the informant and his associates using iron rods and wooden sticks, thereby causing injuries.

3. Mr Karim Pathan, the learned Counsel appearing on behalf of the applicants, asserting the applicants' innocence, contends that the applicants have been falsely implicated in the crime. He highlights that in 2018, the land in question was purchased by accused No.1 from one Irfan Momin, who, in turn, purchased it from one Subhash Bangar in 2015. Prior to 2015, Subhash had purchased the land from the informant. All these transactions were documented and recorded vide registered sale deed. When accused No.1 attempted to mutate the land record in his name, the informant objected to it. Despite selling the lands, in 2019, the informant's brother, Subhash, filed a suit seeking cancellation of the sale deed executed in favour of Irfan and other ancillary reliefs before the Civil Judge Senior Division, Bhiwandi. The learned Counsel

submits that there exist disputes between the families of the applicant and the informant over land, and the present FIR is a retaliatory action. The only role attributed to the applicants is that they allegedly assaulted the informant and his associates, allegedly using an iron rod and wooden sticks. The alleged weapons used in the crime have already been recovered, and nothing remains to be recovered or discovered from the applicant. Mr Pathan further submits that the applicant has expressed his readiness and willingness to comply with any conditions set forth by this Court if granted pre-arrest bail, including not entering the jurisdiction of Ganeshpuri Police Station.

4. Mr SV Walve, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's request for pre-arrest bail and contends that the offence is of a serious nature. He submits that the applicants and the co-accused formed an unlawful assembly and launched an attack on the informant and his associates using wooden sticks and iron rods. One Balaram was assaulted on the head by the co-accused and suffered grievous injuries. The learned APP, on instructions, submits that the weapons have been recovered from the co-accused and the investigation is at an advanced stage. He raises concerns about potential evidence tampering

and witness influence if the applicants are granted pre-arrest bail.

5. This Court has given anxious consideration to the rival submissions canvassed across the Bar and perused the records. It appears that the applicants are accused of allegedly assaulting the informant and his associates using iron rods and wooden sticks. The weapons allegedly used in the crime have been recovered. *Prima facie*, the material available on record, more particularly the statements of the injured, do not demonstrate the applicants' active participation in the crime. The injuries sustained by the informant appear to be of a simple nature. The allegations against the applicants appear to lack specific details. Furthermore, the co-accused have already been released on bail, and the investigation is nearing completion. The prosecution's apprehensions about potential evidence tampering and witness influence can be addressed by imposing appropriate conditions. In these circumstances, this Court is inclined to exercise its discretion in favour of the applicant. Hence, the following order:

ORDER

- (i) In the event of the applicants' arrest in CR No.89 of 2025, registered at Ganeshpuri Police Station, Thane 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, themselves or through any other person, shall not indulge in any activities that may tamper with the evidence or influence witnesses.

(iii) The applicants shall refrain from entering the jurisdiction of the concerned Police Station till the filing of the charge sheet.

6. The application stands disposed of accordingly.

(R.N. Laddha, J.)