

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

Anticipatory Bail Application No.2188 of 2025

Manish Dattu Sonavane

Aged: 37 years, Occ: Business

Residing at: Bhaiyasaheb Ambedkar,

OT Section, Near Santosh Gupta

Kirana Store, Khemani Road,

Ulhasnagar 2, Thane - 421 002

... Applicant

versus

The State of Maharashtra

[At the instance of Ulhasnagar Police Station,

C.R. No.402 of 2025.]

... Respondents

Ms Misbaah Solkar, for the applicant.

Mr Yogesh M Nakhwa, APP, for the respondent/ State.

PSI Ranjit Walake, Ulhasnagar Police Station, Thane City, is present.

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.402 of 2025, registered at Ulhasnagar Police Station, Thane, for offences punishable under Sections 135 and 37(1) of the Maharashtra Police Act, 1951, and Sections 115(2), 118(1), 118(2), 189(2), 190, 191(1), 191(2),

191(3), 351(2) and 352 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. It is the case of the prosecution that on 22 April 2025, at around 3:30 p.m., a physical altercation occurred between the applicant and the informant. Later that evening, around 7 p.m., the applicant called the informant's brother, Vishal, threatening to physically assault them. Shortly after the call, the applicant, along with the co-accused, formed an unlawful assembly outside the informant's house and attacked the informant using iron rods, wooden sticks, kicks and punches. During the assault, the applicant struck the informant's left knee with an iron rod, causing a fracture. The co-accused, wearing a white shirt and white pants, assaulted the informant's left leg with a wooden stick, and another co-accused, dressed in a red shirt and blue jeans, struck the informant's back with a wooden stick, causing the informant to collapse. As the informant's family came to his aid, the applicant threatened them and caused panic in the neighbourhood.

3. Ms Misbaah Solkar, the learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. She submits that the informant and his associates were

the aggressors in the incident, and they inflicted grievous injuries on the applicant. The applicant lodged an FIR against them, which is prior in time. The learned Counsel contends that the present FIR is an afterthought and a counterblast to the applicant's FIR. There is a delay in the lodging of the present FIR. Furthermore, the co-accused have been released on regular bail. Additionally, Ms Solkar submits that the applicant has expressed his readiness and willingness to comply with any conditions set forth by this Court.

4. Mr Yogesh Nakhwa, the learned Additional Public Prosecutor representing the respondent/ State, vehemently opposes the applicant's request for pre-arrest bail and contends that the offence is of a grave and serious nature. He submits that, on the day of the incident, the applicant threatened to assault the informant and his brother on a phone call. After some time, he went to their residence, along with the co-accused, and launched a brutal attack on the informant with iron rods and wooden sticks. During the assault, the applicant struck the informant's knee with an iron rod, causing a fracture, whereas the other co-accused assaulted him with wooden sticks. When people attempted to rescue him, the applicant threatened them with dire consequences and fled. The informant sustained grievous injuries and was admitted to

a hospital, where a fracture was confirmed. The learned APP submits that the weapons used in the crime are yet to be recovered, and there are eyewitnesses to the incident. Furthermore, he points out that the applicant has criminal antecedents and had been previously externed from the vicinity. After the externment period was over, the applicant returned to the locality and committed the present crime. According to Mr Nakhwa, the delay of one day in lodging the FIR is entirely justified, as the informant was hospitalised and experienced significant pain resulting from the injuries sustained due to the actions of the applicant. The learned APP further submits that the investigation is at a nascent stage, and granting the applicant pre-arrest bail would lead to tampering with evidence and exerting influence on witnesses.

5. This Court has given anxious consideration to the rival contentions 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. A profitable

reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay & Ors. Vs State of Bihar & Anr., 2024 SCC OnLine SC 282.*

7. In the present case, it remains undisputed that the applicant was present at the scene of the incident. The case records *prima facie* indicate that the applicant is alleged to have been the initial aggressor, having engaged in a physical altercation with the informant. It is further alleged that following the said confrontation, the applicant summoned his brother and issued explicit threats of violence, thereby escalating the situation.

8. Subsequently, the applicant is accused of forming or being part of an unlawful assembly outside the informant's residence. In furtherance of a common object, the said assembly is alleged to have launched a violent and premeditated assault upon the informant. The mode and manner of the attack, as described in the statements of eyewitnesses, include the use of fists, kicks, and weapons such as iron rods and wooden sticks.

9. The applicant stands specifically accused of inflicting a grievous injury upon the informant by striking his left leg with an iron rod, resulting in a fracture, as corroborated by the medico-legal certificate on record. It is also alleged that the

applicant issued threats of identical violence to individuals who attempted to intervene and rescue the informant from further harm.

10. The incident, viewed in totality, appears to have been executed with deliberation and intent to cause grievous bodily harm, instil fear, and endanger the life of the informant. The available evidence, including eyewitness testimonies and medical documentation, lends substantial corroboration to the prosecution's version of events. At this stage, there appears to be a strong *prima facie* case against the applicant, who is identified as the principal assailant.

11. Furthermore, it emerges from the records that the applicant has antecedents involving offences of a similar nature. It is also pertinent to note that he had previously been subjected to externment proceedings and was removed from the local jurisdiction under preventive action. Disturbingly, the present offence appears to have been committed shortly after the conclusion of the said externment period.

12. The weapon allegedly used in the commission of the offence remains unrecovered, thereby raising concerns regarding the applicant's potential to conceal material evidence. There also exists a credible apprehension that, if released at this

stage, the applicant may attempt to tamper with prosecution evidence or influence witnesses, thereby obstructing the due course of investigation.

13. In view of the seriousness of the allegations, the gravity of the offence, the applicant's prior criminal record, and the stage of investigation, this Court does not deem it fit to grant the relief of pre-arrest bail to the applicant at this juncture. As a result, the application stands rejected.

(R.N. Laddha, J.)