

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

Anticipatory Bail Application No. 2241 of 2025

Subhash Ramchandra Pokale

Age 52 years, Occ. Agriculture,

R/at : Kavathe Yemai,

Tal: Shirur, Dist.: Pune.

... Applicant

versus

The State of Maharashtra

(Through the Shirur Police Station, Pune)

...Respondent

Mr Satyavrat Joshi i/b Mr Priyesh More, for the Applicant
(through VC).

Mr M G Patil, APP, for Respondent / State.

PH 850, Sharad Namdev Ware, Shirur Police Station, Pune, is
present.

Coram: R.N. Laddha, J.

Date: 11 August 2025

P.C.:

. By this application, the applicant seeks pre-arrest bail in connection with CR No.426 of 2025, registered at Shirur Police Station, Pune Rural, for offences punishable under Sections 115(2), 118(1), 118(2), 189(2), 190, 191(2), 191(3), 324(4), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 16 June 2025, the informant went to a piece of land owned by his grandfather in Kavathe Yemai to be present for a boundary measurement. During the measurement, the applicant confronted the informant, verbally abused him, and slapped him. He, along with the co-accused, launched a brutal attack on the informant using sticks and iron pipes, targeting vital parts of the body. During the assault, the applicant is alleged to have assaulted the informant with a scythe on his left leg and knee, while co-accused Kisan Hilal struck him with an iron pipe. The other co-accused continued to assault the informant with iron rods, causing serious injuries to his hands, legs, back, and waist. Further, the accused damaged the informant's mobile phone and threatened his relatives who tried to intervene and rescue him. Initially, after the attack, the informant was taken to Shirur Police Station and then to a rural hospital before being referred to Sassoon Hospital in Pune. He was later admitted to Shिवtirth Hospital, where he learnt that his left leg and both hands were fractured, necessitating an operation.

3. Mr Satyavrat Joshi, 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. He submits that the applicant is not concerned with the

land in question and was not present at the spot when the alleged incident occurred. The present FIR is an afterthought and a counterblast to the applicant's sister-in-law's complaint against the informant. The learned Counsel further submits that the alleged weapon used in the crime has already been recovered from the co-accused, and nothing is to be recovered or discovered from the applicant. Furthermore, the co-accused have been released on bail. The applicant is ready to abide by any conditions set forth by this Court if granted pre-arrest bail.

4. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, opposes the applicant's plea for pre-arrest bail and contends that the offence is of a grave and serious nature. He submits that the applicant, along with the co-accused, formed an unlawful assembly and brutally assaulted the informant using deadly weapons, resulting in multiple injuries, including fractures to his left leg and both hands. The learned APP emphasises that there are eyewitnesses who have categorically and unequivocally implicated the applicant in the commission of the offence. Owing to the critical condition of the informant, his statement could be recorded only after hospitalisation and treatment. Mr Patil further submits that the applicant has criminal antecedents of a similar nature. The investigation is in progress, and granting

pre-arrest protection could lead to potential evidence tampering and exerting influence over 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 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. A profitable reference in this regard can be made to the decision of the Hon'ble Supreme Court in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon perusing the records, particularly the contents of the FIR, it appears that a specific role has been attributed to the applicant. The applicant is explicitly accused of mercilessly attacking the informant with a scythe on his left leg, which led to a fracture. The applicant also appears to have instigated the

co-accused to assault the informant, inflict severe injuries, and threaten individuals who attempted to rescue him. The eyewitnesses to the incident unambiguously implicate the applicant in the commission of the alleged crime. Furthermore, the medical papers corroborate the allegations in the FIR. *Prima facie*, there is sufficient material on record to indicate that the applicant actively participated in the crime. Despite the applicant's assertion that he was not present at the spot and was travelling at the time of the alleged incident, there is no material on record to substantiate this claim. The applicant has criminal antecedents of a similar nature, and the investigation is still in progress. 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.

8. Given the seriousness of the allegations, the extent of injuries sustained by the victim, the ongoing investigation, and the material available on record, this Court is not inclined to exercise its discretion in favour of the applicant. As a result, the application stands rejected.

(R.N. Laddha, J.)