

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

Anticipatory Bail Application No. 2242 of 2025

Manohar Nivrutti Dengle

Age 65, Occ. : Advocate,

R/o. Gunawadi, Taluka : Baramati,

District : Pune.

... Applicant

Versus

The State of Maharashtra

Through Baramati City Police Station

(C. R. No.224 of 2025)

...Respondent

Mr Rahul S Kate, for the Applicant.

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

API Vilas Vitthal More, Baramati City 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.224 of 2025, registered at Baramati City Police Station, Pune Rural, for offences punishable under Sections 118(2), 352, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 30 June 2025, the

informant, along with certain other individuals, confronted the applicant regarding the alleged obstruction of a common passage to a shop and the alleged assault Shreyas, a friend of the informant's son. During the said confrontation, the applicant assaulted the informant by inflicting a blow with a pair of iron scissors on the informant's lower left chest, causing bleeding injury.

3. Mr Rahul Kate, 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. He submits that, on a *prima facie* assessment, the allegations do not disclose the commission of any offence by the applicant. The incident in question arose when the informant, accompanied by certain other persons, forcibly entered the applicant's office premises, where he sustained injury due to a protruding nail from an old piece of furniture lying in the passage. The present FIR is a consequence of retaliatory action, lodged in response to a complaint made by the applicant's wife to the Municipal Council regarding illegal structural alterations being carried out by the informant's son. The learned Counsel further submits that the applicant has no criminal antecedents and that there is nothing to be recovered or discovered at his instance. The applicant is willing to comply

with any conditions this Court may deem fit to impose while considering this pre-arrest bail application.

4. Mr MG Patil, the learned Additional Public Prosecutor representing the respondent/ State, has vehemently opposed the application for pre-arrest bail. He submits that the offence is of a serious and grave nature, involving an unprovoked and brutal assault by the applicant upon the informant. The applicant attacked the informant with a pair of iron scissors, directing the blow towards the informant's chest, a vital part of the body, demonstrating clear intent to cause grievous harm, if not death. As a result of the said assault, the informant sustained severe injuries necessitating hospitalisation for a period of five days. The weapon used in the crime is yet to be recovered, and that there exist credible eyewitnesses to the incident. The investigation is still at a nascent stage, and enlargement of the applicant on pre-arrest bail at this juncture may result in serious prejudice to the investigation. There exists a reasonable apprehension that, if granted anticipatory bail, the applicant may tamper with evidence, influence or intimate witnesses, and thereby obstruct the due course of investigation.

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 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. These aspects are highlighted in *Srikant Upadhyay Vs State of Bihar, 2024 SCC OnLine SC 282*.

7. Upon a careful perusal of the case records, and in particular the FIR, it emerges that a specific and clearly defined role has been attributed to the present applicant. The allegations indicate that the applicant assaulted the informant with a pair of iron scissors, deliberately aiming at the latter's chest, causing bleeding injuries. The statements of eyewitnesses categorically implicate the applicant in the alleged offence. The weapon allegedly used in the commission of the crime has not yet been recovered. The records also reveal that there exist a history of prolonged disputes between the informant and the applicant, which lends context to the alleged incident. *Prima facie*, there is sufficient material on record to demonstrate the

applicant's active participation and involvement in the crime. The investigation is at a nascent stage, and granting pre-arrest protection to the applicant at this juncture would jeopardise the course of an effective investigation.

8. In view of the foregoing circumstances, this Court is of the considered opinion that no case is made out for the exercise of its discretionary jurisdiction in favour of the applicant. As a result, the application stands rejected.

[R.N. Laddha, J.]