

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

Anticipatory Bail Application No. 2269 of 2025

Jivan Balkrushna Maghe
Age 39 years, R/at.: 702,
A Wing, Arihant City, Near
Saibaba Temple, Temghar
Pada, Taluka – Bhiwandi,
District – Thane.

... Applicant

versus

The State of Maharashtra
(At the instance of Bhiwandi
Taluka Police Station, Thane,
C.R. No.0248/2025)

...Respondent

Mr Sahil D Salvi a/w Mr Aditya J Kothur, for the Applicant.
Mr Arfan Sait, APP, for Respondent / State.
Mr Nilesh Pandey a/w Mr Aniruddha Ahire, for the Intervenor.
PSI Santosh Wakchoure, Bhiwandi Taluka Police Station, is
present.

Coram: R.N. Laddha, J.

Date: 13 August 2025

P.C.:

. By this application, the applicant seeks pre-arrest bail in connection with CR No.248 of 2025, registered at Bhiwandi Taluka Police Station, Thane Rural, for offences punishable under Sections 109, 110, 324(4), 324(5), 351(2) and 352 of the

Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. It is the case of the prosecution that on 8 July 2025, around 7:00 p.m., an unknown individual at the RDNX Hotel in Sonale refused to settle a bill of Rs.1160/-. After a heated argument with the hotel staff, he confronted the owner, the informant, pushing him and hurling abusive language. The accused then jumped into his Innova car and recklessly drove it back and forth, making attempt to hit the informant and several other people nearby. Another customer, Sunilsingh, suffered a minor injury to his right hand during the chaos. Additionally, the reckless driving resulted in damage to another customer's vehicle before the driver sped away from the scene.

3. 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 argues that the applicant visited the hotel with friends for lunch around 2:00 p.m. and left around 6:00 p.m. after settling the bill. After dropping off his friend Nilesh at about 7:04 p.m., the applicant received a call from Vicky, the hotel's manager. Vicky asked him to return to the hotel to discuss an issue involving a friend's alleged misconduct, specifically urinating near the hotel kitchen. This incident was not captured on CCTV and omitted

from the FIR. What followed was a verbal confrontation, during which hotel staff and the informant's associates physically assaulted the applicant and vandalised his car. In a state of panic and with no intention to cause harm, the applicant accidentally hit a parked vehicle while trying to flee the escalating violence. The learned Counsel submits that the applicant is a regular customer at the hotel and has not been named in the FIR, and no offence under the alleged sections is made out against him. He further submits that the applicant is ready to comply with any conditions imposed by this Court, including surrendering his car.

4. The learned Additional Public Prosecutor representing the respondent/ State and the learned Counsel appearing on behalf of the intervenor/ informant jointly oppose the applicant's request for pre-arrest bail and contend that the offence is of a grave and serious nature. They submit that the applicant refused to pay the bill, engaged in a heated altercation with the staff and the informant, pushed and abused the informant, then attempted to run him and others over with his Innova car, causing injury to a customer named Sunilsingh and damaging another vehicle, before fleeing the scene. The learned APP, on instructions from the investigating officer, further submits that the investigation is nearing completion. However, he raises

concerns about potential evidence tampering and witness influence if the applicant is granted pre-arrest bail.

5. Upon perusing the records, it appears that the alleged incident occurred on 8 July 2025; however, the crime was reported only on 9 July 2025 against unknown individuals seen in the Hotel's CCTV footage. There are no specific allegations against the applicant, who is not named in the FIR, despite the Hotel staff's familiarity with him. It appears from the records that the injury sustained by the injured is simple. Furthermore, the tenor of the contents of the FIR *prima facie* does not demonstrate the commission of an offence under Section 109 BNS. Notably, the CDRs indicate that the applicant was contacted by the Hotel staff on his mobile phone when the alleged incident was occurring. *Prima facie*, the material on record does not suggest the applicant's involvement in the crime. The investigation is almost complete, and the applicant is ready and willing to surrender his car. 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 applicant's arrest in CR No.248 of 2025, registered at Bhiwandi Taluka Police Station, Thane Rural, 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 on 18, 19 and 20 August between 11:00 a.m. and 2:00 p.m. to surrender his car, and thereafter, as and when required by the investigating officer.

(iii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

6. The application stands disposed of accordingly.

[R.N. Laddha, J.]