

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

Anticipatory Bail Application No.2337 of 2025

Imad Iqbal Chougale
Age: 23 yrs, Occ: Service
R/o at 4/302, NG Heritage,
Naya Nagar, Near NH School,
Mira Road East, Thane-401107. ... Applicant.

Vs.

The State of Maharashtra
Mira Road Police Station,
Mira Bhayander Vasai Virar
Police Commissionerate
District-Thane. ... Respondent.

Mr Vivek Rane a/w Pratik Deshmukh for the applicant
(through VC).
Mr MG Patil, APP for the respondent / State.
Mr Bhushan Patil, Mira Bhayander Vasai Virar Police
Commissionerate.

**Coram : R.N.Laddha, J.
Date : 25 August 2025.**

P.C. :

. By this application, the applicant seeks pre-arrest bail
in connection with CR No.258 of 2025, registered at Mira
Road Police Station, Thane, for offences punishable under
Sections 115(2) and 118(1) read with 3(5) of the Bharatiya

Nyaya Sanhita (BNS), 2023.

2. It is the prosecution's case that approximately four months prior to the alleged incident, the informant had extended a monetary loan to the applicant. In pursuance of the said transaction, the applicant arranged to meet the informant at SVP School for the purpose of repayment. Upon arrival at the designated location, a verbal altercation ensued between the applicant and the informant, during which the applicant is alleged to have abused the informant in a threatening and derogatory manner. Subsequently, the applicant is stated to have physically assaulted the informant by striking him with a stone, causing bleeding injuries.

3. The learned Counsel appearing on behalf of the applicant, while asserting the applicant's innocence, submit that the applicant has been falsely implicated in the present case and was not present at the scene of occurrence at the relevant time. It is contended that, even as per the averments in the FIR, the alleged incident appears to have transpired in the heat of the moment, devoid of any pre-meditated intent to cause harm to the informant. The injuries sustained are stated to be simple in nature. The

learned Counsel further submits that there is no recovery or discovery pending from the applicant, and that the applicant undertakes to comply with any conditions that may be imposed by this Court.

4. On the other hand, the learned Additional Public Prosecutor representing the respondent/ State vehemently opposes the prayer for anticipatory bail. It is submitted that the offence is grave and serious nature, involving a deliberate and violent assault wherein the applicant struck the informant on the head with a stone, thereby causing grievous injuries. The timely intervention of bystanders have prevented further harm. The prosecution relies upon the statements of eyewitnesses who have specifically implicated the applicant. It is further submitted that the investigation is at a nascent stage and that the applicant has criminal antecedents of a similar nature. The apprehension is expressed that enlargement of the applicant on pre-arrest bail may result in tampering with evidence and influencing 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 anticipatory 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 anticipatory bail. There is no one-size-fits-all approach. 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 a careful perusal of the case records, with particular emphasis on the contents of the FIR, it appears that specific and grave allegations have been levelled against the applicant. It is alleged that, under the pretext of settling a financial liability, the applicant deceitfully induced the informant to meet him at the premises of SVP School. Thereafter, in a pre-meditated and violent act the applicant purportedly assaulted the informant with a stone, causing bleeding injuries and necessitated medical intervention

involving twelve sutures. The incident, as narrated, further reveals that the informant was extricated from the applicant's custody only due to the timely intervention of bystanders. The prosecution has placed on record eyewitness accounts which, at this preliminary stage, *prima facie* establish the applicant's direct and active involvement in the commission of the offence. It is pertinent to note that the applicant is stated to have criminal antecedents of a similar nature, which lends credence to the apprehension that he may pose a continuing threat to public safety and the informant's well-being. The investigation is currently at a nascent stage, and any grant of anticipatory relief at this juncture is likely to impede the course of effective investigation.

8. In view of the gravity of the allegations, the nature of the injuries sustained, the corroborative material available on record, and the stage of investigation, this Court finds no justifiable ground to exercise its discretion in favour of the applicant. Accordingly, the application for anticipatory bail stands rejected.

[R. N. Laddha, J.]