

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

Anticipatory Bail Application No.2338 of 2025

1. Vikas Laxman Jadhav,
Aged 24 yrs, Occ: Labour,
2. Akash Laxman Jadhav,
Age: 26 yrs, Occ: Labour,
Both residing at Vadargalli,
Indapur, Tal.Indapur,District-Pune ... Applicants.

Vs.

The State of Maharashtra
(at the instance of Indapur Police
Station, Dist.Pune) ... Respondent.

Mr Ganesh Bhujbal for the applicants.
Mr SS Pednekar, APP for the respondent / State.
API Raut, Indapur Police Station, Pune Rural.

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

P.C. :

By this application, the applicants seek pre-arrest bail in connection with CR No.359 of 2025, registered at Indapur Police Station, Pune Rural, for offences punishable under Sections 118(1), 115(2), 189(2), 191(2), 190, 76, 351(2), and 352 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that the applicants, along with the co-accused, subjected the informant to verbal abuse and thereafter physically assaulted the informant's son by inflicting blows with a wooden stick. It is further alleged that the applicants assaulted the informant's daughters and outraged their modesty. Additionally, the applicants are stated to have attacked the informant with a sickle and an iron rod, resulting in grievous injuries.

3. Mr Ganesh Bhujbal, learned Counsel appearing on behalf of the applicants, submits that the genesis of the present dispute lies in a familial discord arising out of the elopement of a girl from the applicants' family with a boy from the informant's family. He contends that cross-FIR has been registered in respect of the same incident and that the applicants have been falsely implicated in the present matter. It is further submitted that the applicants are willing to comply with any conditions that may be imposed by this Court.

4. Mr SS Pednekar, learned Additional Public Prosecutor representing the respondent/State, opposes the application and submits that the informant sustained five injuries, three

of which are fracture injuries and are classified as grievous in nature. He further submits that the applicants outraged the modesty of the informant's daughters by forcefully tearing their clothes and assaulted the informant's son by delivering a blow to his head with a wooden stick. Applicant No.2 further assaulted the informant with a sickle in her hand, at the time when the informant was attempting to rescue her daughters from the clutches of the applicants. The weapons allegedly used in the commission of the offence are yet to be recovered. The offence is serious, and the investigation is in progress, granting bail to applicants could lead to evidence tampering or witness influence. Considering the gravity of the offence and the ongoing investigation, it is submitted that enlargement of the applicants on anticipatory bail may result in tampering with evidence or 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 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, it *prima facie* emerges that the applicants have been categorically named in the FIR, with specific and direct allegations attributed to each of them. The informant is stated to have sustained multiple fracture injuries during the course of the incident, which allegedly occurred while she was attempting to rescue her daughters from the applicants' clutches and physical aggression. It is further alleged that the applicants armed with a wooden stick, an iron rod and a sickle, voluntarily caused grievous hurt to the informant. In addition, serious accusations have been levelled against the applicants for having torn the clothes of the informant's daughters, thereby committing acts which constitute the

offence of outraging their modesty. The weapons purportedly used in the commission of the offence are yet to be recovered. The prosecution has also placed reliance on the presence of eyewitnesses who are stated to have witnessed the occurrence. The investigation is presently at a nascent stage.

8. In view of the nature and gravity of the allegations, the extent of injuries sustained by the informant, the pendency of recovery of the weapons allegedly used in the commission of the offence, and the nascent stage of the investigation, this Court is not inclined to exercise its discretion in favour of the applicants. Accordingly, the application stands rejected.

[R. N. Laddha, J.]