

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

Anticipatory Bail Application No.2401 of 2025

Sanket Harishchandra Mhatre
Age: 32 yrs, Occ: Business,
R/at Shree Krishna Hari Nivas,
Raykar Ali, near Shivaji Chowk,
Kashigaon, Thane-401 104.

... Applicant.

Vs.

The State of Maharashtra
(at the instance of Bhayander
Police Station)

... Respondent.

Mr Prashant Pandey a/w Prathamesh Vharmare, Ankit
Tiwari, Ridhima Mangaonkar, Dinesh Jadhvani, Sumati
Gupta i/by Akhilesh Chaubey for the applicant.

Mr SV Walve, APP a/w Mr Shahaji Shinde, B Panel Counsel
for the respondent / State.

PI Mahendra Nimbalkar, Bhayandar Police Station.

**Coram : R.N.Laddha, J.
Date : 4 September 2025.**

P.C. :

By this application, the applicant seeks pre-arrest bail
in connection with CR No.268 of 2025 registered at
Bhayander Police Station, Mira-Bhayander, Vasai-Virar, for
the offence punishable under Sections 308(7), 118(1),

189(2), 189(4), 190, 191(3), 352 and 115(1) of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The prosecution case, in brief, is that the accused, with common intention, criminally intimidated, demanded extortion money, assaulted the complainant's associates, and obstructed lawful government contract work.

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 present crime. The inherent contradictions in the FIR expose its falsity, as the first informant alleges threats by accused No.1 on 3 August 2025, yet on 5 August 2025 claims that accused No.1 sought to identify the same person allegedly threatened earlier. Such inconsistency is illogical and undermines the prosecution's case. Further, no complaint was made by Jayesh Manjalkar immediately after the alleged incident of 3 August 2025. The FIR was lodged belatedly, two days after the alleged occurrence, and only subsequent to the registration of the FIR No.267 of 2025, clearly demonstrating the malafide intent of the first informant. The learned Counsel further submits that on the date of

alleged incident, the applicant, along with accused Nos.1, 2, 3 and 5, had gone to Bhayander railway station office to meet railway officer Mr Shukla. At that time, Jayesh Manjalkar and 7/8 associates alighted from a Scorpio vehicle and assaulted accused Nos.1, 2, 3 and 5. When the applicant intervened to pacify the situation, he too was assaulted. During the scuffle, accused Nos. 2 and 3 sustained bleeding injuries and were later referred to the hospital by police. The applicant categorically states that he did not participate in any assault as alleged in the FIR and neither arrived in a vehicle nor used any wooden stick or weapon, nor caused injury to any person, including Abhishek Mishra. No material evidence exists on record to connect the applicant with the alleged offence.

4. It is also submitted that the the dispute, if any, is between accused Nos.1, 2, 3, 5 and Jayesh Manjalkar. The applicant has been falsely implicated only due to his presence at the spot. The allegations that he assaulted Abhishek Mishra is baseless, particularly since Mishra himself is an accused in the counter FIR bearing No.267 of 2025. The registration of present FIR is an afterthought at the behest of the political influence.

5. The learned Counsel further submits that Manjalkar, Mishra and their associates had come armed with weapons and inflicted injuries on accused Nos.2 and 3, thereby demonstrating their premeditated intent to cause harm. Furthermore, the applicant has strong roots in society, poses no flight risk and undertakes full cooperation with the investigation. His custodial interrogation is unwarranted as except the bald assertion in the FIR nothing is on record to implicate the applicant in the present crime.

6. On the other hand, the learned Additional Public Prosecutor representing the respondent/State, opposed the prayer for pre-arrest bail and submits that the applicant is named in the FIR and specific role is attributed to him.

7. Upon perusal of the record, it appears that the allegation against the applicant is that he assaulted one Abhishek Mishra-who himself stands arraigned as an accused in the cross-FIR, by means of a wooden stick. However, the prosecution material on record does not disclose any medical evidence to substantiate the allegation that Mishra sustained injuries attributable to the use of such weapon, much less a wooden stick. Further, there is an

absence of independent eyewitness testimony directly implicating the applicant in the commission of the alleged offence. It is also relevant to note that a cross FIR pertaining to the very same incident has been registered, and said cross FIR is earlier in point of time. The contention of the prosecution that the applicant, if enlarged on bail, may attempt to tamper with the prosecution evidence or influence witnesses, can be addressed by the imposition of appropriate conditions.

8. Considering the totality of the circumstances, this Court is satisfied that a case is made out for granting relief to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.268 of 2025 registered at Bhayander Police Station, Mira-Bhayander, Vasai-Virar, 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, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned Police Station as and when required by the investigating officer.

9. The application stands disposed of accordingly.

[R. N. Laddha, J.]