

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2565 OF 2025

Pradeep Nathu Kamble	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Amol B. Jagtap a/w. Mr. Siddharth Bane, for the Applicant.
Ms. Savita M. Yadav, APP, for the Respondent-State.
Mr. S. S. Gaikwad, Head Constable-1907, attached to Rajgad Police Station, Pune Rural, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th SEPTEMBER 2025

PC:-

1. Heard Mr. Jagtap, learned Counsel appearing for the Applicants and Ms. Yadav, learned APP appearing for the Respondent-State.

2. The Applicant is seeking pre-arrest bail in connection with C.R. No.316 of 2025 registered with Rajgad Police Station, Pune Rural, Pune, for the offence punishable under Sections 333, 74, 351(2)(3) of Bhartiya Nyaya Sanhita, 2023 (“BNS”).

3. It is the main submission of Mr. Jagtap, learned Counsel appearing for the Applicant that the FIR has been lodged after a period of one year. He further submits that as there is some transaction regarding purchase of a car and as there is dispute regarding said transaction between the Applicant and the husband of the Complainant, the false FIR has been lodged. He submits that the Applicant is State President of Maharashtra, Republican Party of India (Athawale) Kamgar Aaghadi. He therefore, submits that the Applicant be granted pre-arrest bail.

4. On the other hand, Ms. Yadav, learned APP appearing for the Respondent-State strongly opposes the Anticipatory Bail Application. She submits that the offence is very serious under Sections 333, 74, 351(2)(3) of the BNS. She submits that the Applicant is very influential person and that the Applicant has one antecedent and therefore, the Anticipatory Bail Application be rejected.

5. As far as the antecedent is concerned, Mr. Jagtap, learned Counsel appearing for the Applicant states that the Applicant has been released on bail by the order dated 18th August 2025 passed

by the learned Judicial Magistrate, First Class, Court No.9, Pune in C.R. No.305 of 2025 for the offence punishable under Sections 333, 308(2), 351(2)(3), 189(2), 191(2) of the BNS registered at Rajgad Police Station, Pune Rural, Pune.

6. The prosecution case is set out in paragraph No.2 of the order dated 4th September 2025 passed by the learned Additional Sessions Judge, Pune in E-Cri. Bail Application No.5882 of 2025, which reads as under:

“2] In brief it is case of prosecution that the informant aged 23 yrs reside along with her husband, inlaws, two children at Bhor, Pune. The applicant/accused is friend of her husband and used to come to the house. On 6/8/2024 when her husband was not in the house at about 12.30 p.m. she was only in the house alongwith her two children, accused entered in her house, locked the door from inside and told her that he like her, she looks beautiful and caught her hand and pulled her near to his chest. She shouted. Thereafter accused threatened her that if she shouted and told the incident to anyone he will file the case under Atrocity Act against her and her husband. The accused is President of Republican Party of Indian Mah. State. So she was frightened. She narrated the incident to her husband. He was also frightened. So they did not lodge report. But when the another offence is registered against the applicant, she dared to file the report. So she filed the report. On her report offence bearing CR no.316 of 2025 under

section 333, 351(2), 351(3), 74 of BNS was registered.”

7. The FIR and other material on record shows that the offence is very serious. The FIR specifically states that as the Applicant is very influential person and as earlier the Applicant has threatened the First Informant, the FIR has not been lodged and that the First Informant has come to know from the newspaper that another FIR has been lodged, the Applicant got courage to file FIR. *Prima facie*, there is substance in the said contention as the Applicant is the State President of State President of Maharashtra, Republican Party of India (Athawale) Kamgar Aaghadi. Even the perusal of another FIR No.305 of 2025 lodged under Sections 333, 308(2), 351(2) (3), 189(2), 191(2) of the BNS also shows that the Applicant by taking advantage of political position has committed the crime. The FIR in the present case shows that the Applicant is involved in very serious crime. The contention that false FIR has been lodged as there is some dispute concerning sale of car, there is no material produced to support the said contention.

8. *Prima facie*, there is substance in the contention stated in the FIR that as the Applicant is politically well connected and as he has

threatened, the FIR has not been lodged earlier. As the Applicant is politically influential person, there is likelihood of tampering the investigation and distraction of the evidence, if pre-arrest bail is granted to the Applicant.

9. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav vs. State of Maharashtra*¹ has held that the Anticipatory Bail is an exceptional remedy and ought not be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence. It has been further held that while exercising power to grant pre-arrest bail, the Court has to be cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence.

10. As the Applicant is politically influential person and as the offence is very serious case, the said observations of the Supreme Court are squarely applicable to the present case.

1 (2025) SCC OnLine SC 1489

11. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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