

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2632 OF 2025

Rakesh Vilas Renuse, ...Applicant
Age : 30 Yrs., Occ.: Nil
R/o : Dattawadi, Ganeshmala,
Near Datta Mandir, Sinhgad Road, Pune.

Versus

The State of Maharashtra ...Respondent
At the instance of Sinhgad Road
Police Station.

Mr. Aniket Vagal a/w Ms. Juhi Kader, Advocate for Applicant.
Mr. C.D. Mali, APP for the State.
API, Mr. Sameer Vilas Kadam, Sinhgad Road Police Station, Pune
City, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 24th September 2025

P.C.:

1. Heard Mr. Aniket Vagal, learned Counsel appearing for the Applicant and Mr. C.D. Mali, learned APP for the State.
2. By the present Anticipatory Bail Application, the Applicant is seeking Pre-Arrest Bail in connection with C.R. No.428 of 2022 registered with Sinhgad Road Police Station, Pune City, under

Sections 302, 143, 144, 145, 147, 148 and 149 of the Indian Penal Code, 1860.

3. As per the prosecution case, the deceased had taken loan of huge amounts from various persons and was not repaying the same and was not traceable. At the relevant time, the Deceased was at the residence of witness-Vanita and after getting knowledge that the deceased was in the house of Vanita, on 30th September 2022, co-Accused- Shivraj Kishorprasad Singh, Shivaji Rangapopa Tumalle and Mahesh Shankarrao Dhumal alongwith one more co-Accused, who was wearing blue Tshirt and Tract Pant went at her residence. As per the prosecution case, all Accused assaulted the deceased mercilessly and thereafter the deceased was taken to the ground floor. The deceased was found lying on the road on 1st October 2022. On 1st October 2022, Police came to know that the deceased was assaulted by 5-6 persons and he was lying on the road. Therefore Police took the deceased to the Sasoon General Hospital, Pune and he passed away at 3.00 p.m. on 1st October 2022.

4. During investigation, the Police have arrested co-Accused Mahesh Shankarrao Dhumal, Shivraj Kishorprasad Singh, Shivaji Rangapopa Tumalle and Akshay Papat Adhav. During investigation, Police also came to know about involvement of the present Applicant.

5. It is the submission of Mr. Vagal, learned Counsel appearing for the Applicant that the eye-witness Vanita has not named the Applicant. He therefore submitted that the anticipatory bail be granted. He further submits that earlier Anticipatory Bail Application No.2354 of 2023 has been withdrawn with liberty to file fresh Anticipatory Bail Application, as the antecedents were not mentioned. Learned Counsel submits that in the earlier application, interim protection was granted to the Applicant by Order dated 5th September 2023, which was operating till 22nd September 2025. He therefore submits that the Application be allowed.

6. On the other hand, Mr. Mali, learned APP strongly opposed the application. He submits that the CDR report shows that when the incident took place, the Applicant was in the same locality.

Apart from that, he submits that phone-call record shows that the Applicant and Accused No.1- Mahesh Dhumal were in contact with each other, during the said period. He submits that during investigation, it was found that the Applicant was involved in the crime. He states that there are two eye-witnesses in whose presence the Deceased has been assaulted by co-Accused including the present Applicant. He submits that as the present Applicant is not known to the eye-witnesses, the identification parade is absolutely essential and for that purpose and for investigating other aspects, the custodial interrogation is necessary. Learned APP submits that the eye-witnesses have identified other co-Accused in the identification parade. Learned APP submits that there are several aspects about which the custodial interrogation is necessary.

7. Mr. Vagal, learned Counsel for the Applicant submitted that the co-Accused, Mahesh Dhumal is the friend of the Applicant and learned Counsel also submits that the Applicant was present at the time of the incident. However, it is submitted that the Applicant has not participated in the crime.

8. Perusal of the record shows that the crime is very serious, punishable under Section 302 of Indian Penal Code. The material on record shows that the Applicant was present when the incident took place. At the relevant time, the Applicant was constantly in contact with the co-Accused, Mahesh Dhumal. Thus the custodial interrogation is absolutely essential in this case to ascertain exact role of the Applicant in serious crime under Section 302 of the Indian Penal Code, 1860

9. Mr. Aniket Vagal, learned Counsel also submits that there are total 6 Accused. The Accused Nos.1 to 4 have been granted regular bail by this Court. However, it is required to be noted that the custodial interrogation of said Accused Nos.1 to 4 was done, including conducting the identification parade. The material on record including CDR report shows that at the relevant time, the Applicant was present with the co-Accused. The Applicant was in constant contact with the co-Accused, Mahesh Dhumal. Thus the custodial interrogation is necessary.

10. The Supreme Court in the case of **Nikita Jagannath Shetty alias Nikita Vishwajeet Jadhav Vs. State of Maharashtra**¹ has held

¹ (2025) SCC OnLine SC 1489

that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences. It has been further held that 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 destruction of the evidence. The observations of the Supreme Court are squarely applicable to the present case.

11. Thus, no case is made out for grant of anticipatory bail. The Anticipatory Bail Application is rejected.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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