

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.2671 OF 2025

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Harshvardhan Pramod Ovhal

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Sujay H. Gangal a/w Swaraj M. Savant, for the Applicant.  
Ms. S. M. Yadav, APP for the Respondent-State.  
Pl. Arun Ghodke, Vishrambag Police Station, Pune City, present.

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CORAM: MADHAV J. JAMDAR, J.  
DATED: 16 OCTOBER 2025

PC:-

1. Heard Mr. Gangal, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP for the Respondent-State of Maharashtra.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS"), the Applicant is seeking pre-arrest bail in connection with CR No.185 of 2025 registered with the Vishrambag Police Station, Pune City, for the offences punishable under Sections 109, 118(2), 189(2), 191(2), 191(3) and 49 of the *Bharatiya Nyaya Sanhita, 2023*,

Sections 4 and 25 of the *Arms Act, 1959* and Sections 37(1)(c) and 135 of the *Maharashtra Police Act, 1951*.

3. The prosecution case is set out in Paragraph No.2 of the Order dated 11th September 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.5758 of 2025. Said Paragraph No.2 reads as under :-

*“2] As mentioned in the application prosecution case in nutshell is that, informant is worker of Vinayak Mitra Mandal. On 05/08/2025 at around 4.00 p.m. member of said Vinayak Mitra Mandal affixed flex in front of Murlidhar Hotel owned by one Gopal Tiwari. After some time Gopal Tiwari and Harshal @ Nanu arrived there and started removing flex. At that time informant intervened and it is alleged that Harshal @ Nanu assaulted on the chest of informant by means of fist blow. At that time informant called 112 control room and police arrived there and took all of them to police chowky and given MLC letter to informant and accordingly informant got the medical done and returned to home at 7.00 p.m. Again on the same day informant talking with Rahul Rokde, Akash Pawar, Lakhan Bhise near Nighojkar Mangal Karyalay at 8.30 p.m. at that time Harshad @ Nanu Shirke, Nikhil and other three unknown persons arrived on three moped vehicle and they assaulted informant by means of sickle, iron rod and in the meanwhile people gathered and they all assaulter managed to flee and while assault was going on Gopal Tiwari was watching the same. After incident friends of informant took informant to Poona Hospital for treatment and while treatment was going on informant lodged report and above referred crime came to be registered.”*

4. Perusal of the record shows that about 7 person are involved in the crime. All of them have assaulted the injured. During investigation, the CCTV footage has been obtained. The CCTV footage clearly shows that the Applicant is involved in the crime. The injuries are grievous in nature.

5. The Supreme Court in the decision of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*<sup>1</sup>, has held 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 while called upon to exercise the said power, the Court concerned has to be very 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.

6. This is a very serious case where in a planned action 7 persons have assaulted the injured. This Court has seen the CCTV

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**1** 2025 SCC OnLine SC 1489

footage procured during the investigation. The same clearly shows the involvement of the Applicant in the crime. Thus, this is a case where the custodial interrogation is absolutely necessary.

7. Considering the facts of this case and the above parameters, no case is made out for grant of anticipatory bail.

8. Accordingly, the Anticipatory Bail Application is dismissed.

**[MADHAV J. JAMDAR, J.]**