

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 2725 OF 2025

Hiraman Parshuram Koli ... Applicant
V/s.
The State of Maharashtra & Anr. ... Respondents

Mr. Yogesh Gangan i/b Mr. Madhav Kulkarni, for the Applicant.

Mr. Sagar R. Agarkar, APP for the State-Respondent.

Ms. Smita Pawar, API, Uran Police Station.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 3, 2025

P.C.:

1. Leave to amend to delete respondent No.2.
2. Amendment to be carried out forthwith.
3. The present application has been filed by the applicant seeking relief of pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). The applicant apprehends arrest in connection with Crime Register No.200 of 2025, registered at Uran Police Station, for offences punishable under Sections 85, 333, 352, 351(2) read with Section 3(5) of the Bharatiya Naya Sanhita, 2023 (BNS), and also under Sections 3 and 4 of the Domestic Violence Act.
4. The prosecution case, as reflected in the FIR lodged by the informant, states that her marriage with accused No.1 took place

on 21 February 2019. It is alleged that after the marriage, she was subjected to physical and mental harassment by the applicants and other family members. Allegations of assault, attempt to murder, and abuse are made in connection with her inquiry regarding her husband's alleged illicit relationship. The FIR further states that on 28 April 2025 at about 7:30 PM, applicant No.2, who is the father-in-law of the informant, came to her maternal house at village Nagaon, quarreled, abused, and assaulted her and her parents, and also threw a mobile handset which struck the forehead of her daughter, causing a bleeding injury. It is further alleged that at about 8:30 PM, accused persons again came to the spot, where accused No.1 Hiranman rushed towards the informant holding a knife in his hand. At that time, Nikhil Mandaliya, his wife Ankita Mandaliya, and Ranjana and Jivan Kamble intervened and pacified the quarrel. It is also alleged that accused Nos.4 and 8 snatched the informant's son from her and pushed her. On the basis of these allegations, the present report has been registered against the applicant and other co-accused.

5. Learned counsel for the applicant has submitted that a close reading of the FIR shows that the only allegation against the applicant is that he was carrying a knife and moved towards the informant. It is submitted that this act, at the highest, amounts to a threat or posture but there is no allegation of actual assault or any injury being caused. Hence, in absence of any injury or attempt to cause injury, the applicant deserves protection of pre-arrest bail.

6. On the other hand, the learned APP has opposed the application. He has submitted that the intention to assault is

evident from the FIR and the only reason actual assault did not take place was because of the timely intervention of other persons. It is therefore argued that the applicant is not entitled to discretionary relief.

7. I have considered the rival submissions and perused the material on record. The FIR, as it stands, attributes to the applicant the role of holding a knife and rushing towards the informant. There is no allegation that any blow was attempted or that any injury was caused by the applicant. The role attributed is limited to a threatening posture.

8. The Supreme Court has consistently held that while considering a prayer for anticipatory bail, the Court must see whether custodial interrogation of the applicant is necessary, whether the applicant is likely to abscond, or whether there exists a likelihood of tampering with evidence or influencing witnesses. None of these circumstances are pointed out by the prosecution in the present case.

9. The allegations against the applicant, though serious, relate more to a show of intimidation rather than actual assault. The incident of injury mentioned in the FIR is attributed to throwing of a mobile handset by applicant No.2, and not to the present applicant. Thus, the degree of involvement of the applicant is distinguishable from that of the co-accused.

10. The applicant has no criminal antecedents. He has roots in society and is unlikely to flee from justice. His custodial interrogation is not shown to be indispensable. The presence of

independent witnesses at the spot, as named in the FIR, further reduces the possibility of tampering with evidence.

11. It is settled that anticipatory bail can be granted where the allegations do not disclose necessity for custodial interrogation, and the applicant can be subjected to conditions ensuring cooperation with investigation. The liberty of an individual cannot be curtailed in a routine manner when the statutory requirements of arrest are not satisfied.

12. In view of the above considerations, I find that this is a fit case to grant the applicant relief of pre-arrest bail, subject to conditions ensuring his availability for investigation and trial.

13. Hence, following order:

a) In the event of arrest in connection with Crime Register No.200 of 2025, registered with Uran Police Station, for offences punishable under Sections 85, 333, 352, 351(2) r/w Section 3(5) of BNS and under Section 3 and 4 of the Domestic Violence Act, the applicant be released on bail on furnishing PR. bond of Rs.25,000/-, along with one or two sureties in the like amount.

b) The applicant shall remain present before the concerned police station on 6th, 8th, and 10th October 2025 between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.

c) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted

with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

d) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

e) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the investigating officer, and the Court concerned, and shall not change the residence till the final disposal of the case.

14. The Anticipatory Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)