

Shabnoor

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

ANTICIPATORY BAIL APPLICATION NO. 2828 OF 2025

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1) Prem Balaram Chaudhari;

2) Renuka Balaram Chaudhari

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Nitin Sejpal a/w Pooja N. Sejpal & Mr. Siddharth Gharat, for the Applicant.

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

Mr. Subhash Dige, API, Panvel Taluka, Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 13, 2025

P.C.:

1. This is an application filed by the applicants seeking protection from arrest under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). They apprehend arrest in connection with Crime Register No. 244 of 2025, registered at Panvel Police Station, for offences punishable under Sections 115(2), 118(2), 351(2), and 352 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. The brief facts as alleged by the prosecution are that the informant, Gana Maruti Chaudhary, residing at Chikhale Village, Taluka Panvel, District Raigad, along with his wife, attended the Ghatsthapana ceremony at the village temple on 22 September

2025, around 9:30 a.m. At that time, his son, co-accused Balaram Gana Chaudhary, and the present applicants allegedly intervened and created a commotion.

3. The informant has alleged that co-accused Balaram picked up an iron rod and assaulted him on both legs, causing grievous injuries. When the informant fell to the ground, Balaram allegedly continued to hit him on his back and hands. It is further alleged that the informant lay injured, and no one helped him as applicant No.2 threatened the bystanders not to intervene and also abused the informant. When questioned, Balaram allegedly stated that he would not spare the informant until the land was transferred to his name. The family members of the informant thereafter reached the spot and took him to the Panvel hospital for treatment. Based on these allegations, the FIR came to be lodged against the applicants.

4. The learned Advocate for the applicants submitted that the specific role attributed to the applicants is limited. According to the FIR and witness statements, applicant No.1 is alleged to have held the informant, and applicant No.2 is said to have stopped others from helping him. He argued that the CCTV footage and panchnama clearly show that the actual assault causing grievous injuries was committed solely by co-accused Balaram. He contended that the question of invoking Section 3(5) of the BNS, relating to common intention, is a matter for trial and that custodial interrogation of the applicants is unnecessary.

5. On the other hand, the learned Additional Public Prosecutor opposed the application. He submitted that the CCTV footage

confirms the presence of both applicants at the scene. The eyewitnesses have specifically stated that applicant No.1 held the hands of the informant, thereby facilitating Balaram in assaulting him. Applicant No.2, by preventing others from assisting the informant, has also shared the common intention as defined under Section 3(5) of the BNS. He therefore urged that the application for anticipatory bail be rejected.

6. Having heard both sides and on perusal of the record, the following reasons arise for determination.

7. The FIR discloses a specific allegation of assault by co-accused Balaram with an iron rod, resulting in grievous injuries to the informant. The role attributed to the present applicants is limited. Applicant No.1 is alleged to have caught hold of the hands of the informant. Applicant No.2 is alleged to have prevented others from assisting the informant and to have abused him.

8. The material on record, including the CCTV footage and panchnama, indicates that the assault was primarily committed by co-accused Balaram. The prosecution does not dispute that the injuries were inflicted by Balaram alone. The allegation against the applicants is one of participation by aiding or facilitating the act.

9. Whether such acts amount to sharing of common intention under Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, is a matter that can only be determined during trial upon full appreciation of evidence. At this stage, it is sufficient to note that the applicants did not themselves inflict any blow or carry any weapon.

10. The offence alleged is undoubtedly serious in nature; however, the custodial interrogation of the applicants does not appear necessary for the purpose of investigation. The entire incident stands recorded in CCTV footage, and the applicants have expressed willingness to cooperate with the investigation. There is no material to show that they are likely to abscond or tamper with evidence.

11. The principles governing grant of pre-arrest bail require the Court to balance two competing interests: the need for a fair investigation on one hand, and the protection of individual liberty on the other. In the present case, the alleged roles of the applicants are ancillary, and the main act of assault is attributed to another accused. Hence, the object of investigation can be achieved without custodial detention.

12. The prosecution has relied on the presence of the applicants and the conduct attributed to them. Presence at the scene by itself is not sufficient to establish common intention unless there is overt participation in the commission of the act. Such inference cannot be drawn at this stage.

13. Considering the nature of accusations, the supporting material, and the stage of investigation, this Court finds that no case for custodial interrogation of the applicants is made out. Their presence can be secured by imposing suitable conditions to ensure cooperation.

14. Hence, the application merits consideration for grant of pre-arrest bail with appropriate safeguards.

15. Hence, following order:

- a) In the event of arrest in connection with Crime Register No. 244 of 2025, registered with Panvel Police Station, for offences punishable under Sections 115(2), 118(2), 351(2), 352 read with Section 3(5) of BNS, the applicants be released on bail on furnishing P.R. bond of Rs.25,000/- each, along with one or two sureties in the like amount.
- b) The applicants shall remain present before the concerned police station on 15th, 17th, 24th between 11:00 am to 2:00 pm and thereafter, as and when called by the investigating officer.
- c) The applicants 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 applicants 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 applicants shall, at the time of execution of the bond, furnish their 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.

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

(AMIT BORKAR, J.)