

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.2880 OF 2025

Danish Asif Shaikh	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Salman Pathan a/w Nauman Pathan, Altab Tamboli, Advocate for the Applicant.

Mr. A.R. Metkari, APP, for the Respondent-State.

PSI, Jaysing Dadhe, Khadak Police Station, Pune City present

CORAM: MADHAV J. JAMDAR, J.

DATED : 15th OCTOBER 2025

PC:-

1. Heard Mr. Pathan, learned Counsel appearing for the Applicant and Mr. Metkari, learned APP appearing for the Respondent-State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”), the Applicant is seeking pre-arrest bail in connection with C.R. No.454 of 2025 registered with Khadak Police Station, Pune, for the offences punishable under Sections 189(2), 189(4), 191(2), 191(3) of Bharatiya Nyaya Sanhita, 2023 (“**BNS**”), Sections 25 and 4 of the Arms Act, 1959 and Section 135 and 37(1) of the Bombay Police Act, 1951.

3. The learned Additional Sessions Judge, Pune, by Order dated 16th May 2025 has dismissed the Criminal Bail Application No. 7405 of 2024 filed by the present Applicant. The prosecution case is set out in paragraph No. 3 of the said Order, which reads as under :

“3. It is the story of the State that the informant is the police constable working at the police station, Khadak. On 06/12/2024 at about 2.00 p.m. the informant and police constable Mayur Bhise were on patrolling duty at Chudaman Talim Square, in front of Inamdar Hospital, Bhavani Peth. At that time the applicant/accused and other four co-accused came by Aactiva two wheeler vehicle and Bergman two wheeler vehicle. The applicant/accused and the other co-accused had drawn the scythes (koyta) from the vehicles. Therefore, the informant started to go towards the accused. Therefore, co-accused had kept his scythe in the dickey of Aactiva vehicle and all the accused started to run away. The police seized the vehicles, a scythe and other muddemal property from the vehicle of accused. Thereafter, the informant lodged the report.”

4. It is the submission of Mr. Pathan, learned Counsel for the Applicant that the Applicant is not involved in the crime. He further submits that the Applicant is already in the custody in some other case, therefore he is available for investigation.

5. On the other hand, learned APP strongly opposes granting anticipatory bail to the Applicant. He submits that there are five antecedents, the offence is serious and requires custodial interrogation.

6. Perusal of record shows that the Applicant has five antecedents as per the following details :

(i) CR No. 18 of 2024, registered with Samarth Police Station, Pune, for the offences punishable under Sections 394 and 397 read with Section 34 of the Indian Penal Code, 1860, and Section 4 read with Section 25 of the Arms Act, 1959 and Sections 37(1)(3) read with Section 135 of the Bombay Police Act, 1951;

(ii) CR No.178 of 2024, registered with Samarth Police Station, for the offence punishable under Sections 189(2) and 189(4) of BNS;

(iii) CR No.152 of 2022, registered with Lashkar Police Station, for the offences punishable under Sections 307, 326, 143, 144, 147, 148, 149, 504 and 506 of the IPC and Section 4 read with Section 25 of the Arms Act, 1959 and Sections 37(1)(3) read with Section 135 of the Bombay Police Act, 1951;

(iv) CR No. 454 of 2024, registered with Khadak Police Station, Pune, for the offences punishable under Sections 189(2), 189(4) and 191(3) of the BNS, Section 4 read with Section 25 of the Arms Act, 1959

and Sections 37(1)(3) read with Section 135 of the Bombay Police Act, 1951;

(v) CR No. 80 of 2025, registered with Samarth Police Station, Pune for the offences punishable under Sections 189(2), 189(4) and 191(2), 191(3) of the BNS, Section 4 read with Section 25 of the Arms Act, 1959 and Sections 37(1)(3) read with Section 135 of the Bombay Police Act, 1951;

7. Although, it is correct that the antecedents cannot be a ground for denying anticipatory bail, however, it is required to be noted that the Applicant is habitual offender and continuously carrying out criminal activities. Apart from that, factual position shows that custodial interrogation is necessary.

8. Accordingly, no case is made out for grant of Anticipatory Bail. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]