

AGK

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

ANTICIPATORY BAIL APPLICATION NO.2908 OF 2025

Rajendra Madhukar Thakur	... Applicant
V/s.	
The State of Maharashtra	... Respondent

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Mr. Ravi Kadam, Senior Advocate with Mr. Gaurav Parkar and Mr. Shantanu Kadam for the applicant.

Mrs. Rajashree V. Newton, APP for the respondent-State.

Mr. Somnath Vishnu Lande, PI, Mandwa Sagari Police Station, Raigad, is present.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 15, 2025

P.C.:

1. The applicant has filed this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking pre-arrest bail. He apprehends arrest in connection with Crime Register No. 46 of 2025 registered with Mandwa-Coastal Police Station for offences punishable under Sections 79, 352, 351(2), and 351(3) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 3 and 25 of the Indian Arms Act.

2. As per the prosecution, the Gram Panchayat of Village Kihim, under the leadership of the informant's husband, who is the elected Sarpanch, had received administrative and financial sanction for constructing a public road from Bamansur

Adivasiwadi to Chonde Pul to Satirje Pul. The construction work began on 4 April 2025. The work contract was given to contractor Mr. Raju Pechekar.

3. On 16 April 2025, the said contractor called the informant and invited her to the site for performing a coconut-breaking ceremony, symbolising the commencement of construction. The informant, along with her husband and sister-in-law, went to the spot. On reaching there, they saw the applicant, co-accused No. 2, the site supervisor Ketan, and several labourers already engaged in construction work.

4. The informant noticed that the ceremonial coconut had already been broken and the symbolic inauguration was completed by the applicant. The machinery and vehicles had already started work. Since the informant's husband was the Sarpanch, the contractor felt it proper that he should perform the ceremony. Accordingly, he instructed that the machines be halted to allow the Sarpanch to perform the act.

5. At that moment, the applicant objected to the ceremony being performed again. He allegedly abused the informant and pointed towards a pistol in a threatening manner at the informant and her family, causing them fear. To avoid confrontation, they returned home. While leaving, the applicant and co-accused allegedly looked at them in an intimidating way and issued verbal threats. The informant lodged an FIR on 18 April 2025.

6. Mr. Kadam, learned Senior Advocate for the applicant, submitted that the applicant is an ex-Sarpanch of the same village,

while the informant is the Police Patil and wife of the current Sarpanch. The complaint, according to him, is a result of political rivalry. He argued that the incident allegedly took place in the presence of many people, yet the police have recorded statements only of the informant and her husband. No independent witness statement is recorded under Section 180 of the BNSS. The Trial Court order shows that the charge-sheet is ready and only awaits approval of the superior officer. Hence, custodial interrogation is unnecessary. The only allegation is that the applicant showed a pistol but did not use it or cause injury. He therefore submitted that the applicant deserves protection from arrest.

7. On the other hand, the learned APP opposed the application, submitting that the allegations are serious and the applicant has prior criminal antecedents. There is a likelihood that he may influence witnesses if granted bail. Hence, the prosecution prayed that the application for anticipatory bail be rejected.

8. Having considered the material on record and the rival submissions, the following reasons weigh in favour of granting pre-arrest bail to the applicant.

9. The alleged incident occurred in broad daylight at a public place in the presence of several persons, including labourers and the site supervisor. However, the FIR is based only on the statement of the informant and her husband. No independent witness has supported the incident till date. This creates doubt about the accuracy of the prosecution version.

10. The prosecution does not dispute that the charge-sheet is

almost complete and is pending approval of the superior officer. This indicates that the investigation is substantially over. Hence, custodial interrogation of the applicant is not required for any further purpose of investigation.

11. The main allegation is that the applicant pointed towards a pistol but did not use it. There is no allegation of any assault or physical injury. There is also no material to show that the pistol was used or recovered in a manner that connects it directly with the alleged intimidation. In such circumstances, the accusation does not appear so grave as to require custodial detention.

12. The applicant and the informant belong to the same village and have a history of political rivalry. The applicant is an ex-Sarpanch, while the informant's husband is the sitting Sarpanch. The possibility of political animosity behind the lodging of the complaint cannot be ruled out at this stage. This factor needs consideration while balancing the equities of liberty and investigation.

13. The offences alleged are not punishable with death or imprisonment for life. The applicant has roots in the society and is a permanent resident of the village. There is nothing to indicate that he may abscond or evade the process of law.

14. The apprehension of the prosecution that the applicant may influence witnesses can be addressed by imposing suitable conditions.

15. Hence, following order is passed:

- a) In the event of arrest, the applicant be released on bail upon furnishing personal bond of Rs 10,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;
- b) The applicant shall remain present before the police station concerned on 17, 24, and 27 October 2025 between 10.00 a.m. to 1.00 p.m. and thereafter as and when called by the Investigation Officer;
- c) The applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
- d) 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;
- e) 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;
- f) The applicant shall maintain law and order;
- g) 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;

- h) The applicant shall surrender his passport, if any, before the investigating officer within a week and, if he does not possess any passport, he shall file an affidavit to that effect before the investigating officer;
 - i) The applicant shall regularly remain present during the trial, and cooperate with the trial court to complete the trial for the above offence
16. The anticipatory bail application is allowed and disposed of.

(AMIT BORKAR, J.)