

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3175 OF 2025

Devshala Laxman Salave	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. V.V. Dushing a/w Mr. Ashraf Kazi, Mr. Sangram Jadhav i/by Mr. Sarvesh Nikam, Advocate for Applicant.
Ms. S.M. Yadav, APP for the State.
PSI, Mr. Ravindra Jaysing Kale, Khadki Police Station, Pune City present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th November 2025

P.C.:

1. Heard Mr. Dushing, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP for the 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.289 of 2025 registered with Khadaki Police Station, Pune City, for the offences punishable under Sections 318(4), 236, 229(1) of of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. The F.I.R. has been lodged by the First Informant- Nitin Vasant Mahade, Court Nazir, Khadaki Court. As per the prosecution case, on 7th October 2025, a person named Anil Mane stood as surety to Accused namely – Badshah Bhond, who was released on bail by the learned Sessions Court, Pune. When said Anil Mane appeared before the Nazir of the Court, he was in an inebriated state and therefore he was called on next date. In the meanwhile, Nazir of the Court had a suspicion that said Anil Mane stood as surety in several matters and therefore, he verified the record and found that in 7 cases said Anil Mane stood as surety.

4. On 8th October 2025, said Anil Mane again remained present before said Nazir and on enquiring with the said Anil Mane, he informed that he had never stood as surety to anybody and to that effect, affidavit of said Anil Mane was produced. In view of these circumstances, concerned Nazir of the Court presented the said Anil Mane before the learned Judicial Magistrate, First Class and in view of these facts, the learned Judicial Magistrate First Class directed said Nazir to file F.I.R.. Accordingly, F.I.R. has been lodged.

5. Said Anil Mane was immediately taken into custody. During interrogation, said Anil Mane disclosed that he was contacted by the present Applicant for giving surety and she assured that for the said purpose an amount of Rs.5,000/- would be paid to him.

6. It is the submission of Mr. Dushing, learned Counsel for the Applicant that earlier with identical allegations an F.I.R. has been registered against the Applicant bearing C.R. No.332 of 2021, with Khadki Police Station, Pune and a learned Single Judge by Order dated 29th June 2022 has granted interim protection. He submits that in that case as no evidence was found, Charge-sheet was not filed against the present Applicant. He therefore submits that the Police have grudge against the Applicant and therefore false case is lodged against the Applicant. He therefore submits that the anticipatory bail be granted.

7. On the other hand, Ms. Yadav, learned APP submits that the offence is very serious. The C.D.R. report shows that the present Applicant and co-Accused were in contact with each other. She therefore submits that the anticipatory bail be rejected.

8. Perusal of the record shows that the offence is very serious, which affects the administration of justice. The contention of Mr. Dushing, learned Counsel that the Police have grudge against the Applicant has no basis as even as per his contention in earlier criminal case bearing C.R. No. 332 of 2021, after investigation as no evidence was found, the Charge-sheet is not filed against the Applicant.

9. As far as the present case is concerned, there is some substance in the contention of Mr. Dushing, learned Counsel that the Applicant is shown as accused on the basis of statement of the co-Accused Anil Mane. However, during investigation, C.D.R. report has been obtained by the Police, which shows that the Applicant and co-Accused Anil Mane were constantly in contact with each other during relevant period and therefore *prima facie* the allegations are substantiated.

10. As already noted above, the offence is very serious, which affects the administration of justice.

11. The Supreme Court in the case of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*¹, 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. The said observations of the Supreme Court are squarely applicable to the present case.

12. The Supreme Court in the case of **State Rep. by the C.B.I. Vs. Anil Sharma**² has held in paragraph No. 6 as follows :

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in

¹ 2025 SCC OnLine SC 1489

² (1997) 7 SCC 187

disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

Thus, what has been held by the Supreme Court that the custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

13. This is a case where the Applicant is involved in a serious crime, which affects the administration of justice. Accordingly, the custodial interrogation is necessary.

14. The Anticipatory Bail Application is dismissed.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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