

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3352 OF 2025

Mahesh Vijay Upade	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. V. H. Narvekar, Advocate for the Applicant.
Ms. S. M. Yadav, APP for the State.
PSI, Dipak R. Dighi Police Station, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd December 2025

P.C.:

1. Heard Mr. Narvekar, 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.371 of 2024 registered with Dighi Police Station, Pimpri Chinchwad, for the offences punishable under Sections 25, 4, 7, 109, 115(2), 189(2), 189(4), 190, 3(5), 324(4), 324(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. The prosecution case is set out in Paragraph No.2 to 5 of order dated 21st April 2025 passed by learned Additional Sessions Judge, Pune in Criminal Bal Application No.1611 of 2025, which reads as under :

“2] In brief it is case of prosecution that the informant is residing in Dighi along with his wife, mother, father, brother and daughter. The profession of informant is supply of water.

3] The informant and his friend have installed tent of Ganesh festival near Yashnath Hotel and Sai Mandir. On 21/8/2024 at about 9.00 p.m. he, his friend Nilesh Shinde Gotya Khedkar, Om Hirwale and others were standing there. At that time Yash Mohite aged 22 yrs., Aniket Tapkir aged 27yrs. r/o Laxminagar, Dighi came there on motorcycle by consuming liquor. Informant asked Yash why he is stopped there? At that time Yash told that he stopped there as to see whether his friends were sitting there or not. Thereafter he left the spot.

4] Thereafter on 4/9/2024 at about 8.30 p.m. informant, his friend Mahesh Shinde, Suraj, Akash were standing near Sai Mandir. At that time Nilesh Shinde told him that Yash made phone call to him and asked why he abused his friends and him. So informant went to understand Yash by his Swift Car alongwith Suraj and Akash.

So there was bickering took place between them. At that time informant asked Yash to come to police station. Yash asked him to wait for 10 minutes and called his friends by making call.

5] After some time the brother of Yash Dadya Mohite, Mahesh Upade Vastad, his brother and other 5 to 6 persons came there on motorcycle by possessing sickles and bat in their hands. They started beating informant and his friends and they also threatened to kill informant. Informant was frightened and tried to ran away. At that time Mahesh Upade's brother Bhau Ustad assaulted by iron sickle on the head of informant. He saved his head and he sustained injury on his hand. Yash assaulted on his stomach, Dadya Mohite assaulted on his right leg by sickle, Mahesh Upade beat him by bat. Mahesh Shinde tried to rescue the quarrel. He was beat by bat. Suraj and Ashok were also beat by bat and kicks. The above person and other persons were present there, pelted stone on the car of informant which sustained damage and thereafter they ran away. Thereafter informant went to police station. He was taken to hospital and on his report offence bearing CR no. 371/2024 u/s 109, 115(2), 352, 351(2), 351(3), 324,(4), 325(5), 190(2), 189(4), 190 of BNSS 2023, 3(5), 4(25) of Arms Act and u/s 7 of Criminal Law Amendment Act 2013 was registered. The applicant was arrested. He was remanded to police

custody and thereafter he was taken to MCR on 26/11/2024.

4. Perusal of the record shows that as per the prosecution case the Applicant has assaulted the injured with a cricket bat. The assault is on very vital part of the body i.e. head. The Applicant is having 10 antecedents.

5. As per the contention of Mr. Narvekar, learned Counsel appearing for the Applicant, the Applicant is having only 6 antecedents and at time of one antecedent he was only juvenile and has been acquitted by the Juvenile Justice Board (JJB).

6. 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

1 2025 SCC OnLine SC 1489

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.

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

(MADHAV J. JAMDAR, J.)