

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3457 OF 2025**

Kavita Ravindra Pawar	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Himanshu S. Gavit a/w. Mr. Saurabh Utangale and Mr. Y. D. Ugale, for the Applicant.
Ms. R. V. Newton, APP, for the Respondent-State.
Mr. Gaikwad, Police Constable-747, attached to Upnagar Police Station, Nashik, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 16th DECEMBER 2025**

PC:-

1. Heard Mr. Gavit, learned Counsel appearing for the Applicant and Ms. Newton, learned APP appearing for the Respondent-State.
2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.405 of 2025 registered with Upnagar Police Station, Nashik, for the offences punishable under Sections 115(2), 305(a), 324(4), 331(3), 333, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case is set out in paragraph No.5 of the order dated 1st December 2025 passed by the learned Additional Sessions Judge, Nashik Road, Nashik, in Criminal Bail Application No.395 of 2025, by which the Anticipatory Bail Application filed by the Applicant is rejected. The said paragraph No.5 reads as under:

“5. As per the FIR, on 19/08/2025, when the informant and her son Tushar were present in the house, someone knocked on the door. When she opened the door, at that time, Kavita Pawar and a mob of 8 female and 5 male members forcibly entered the house and abused her on her caste. They have changed the lock of the main door and also installed CCTV cameras. Thereafter, the informant met the Assistant Commissioner of Police on 23rd August, and narrated about the same. On 24th August, she went to the house along with a journalist. The journalist video-graphed the entire house. At that time, she found that Rupees 25 Lakh, 15 to 16 tolas of golden ornaments, and two Samsung mobiles were stolen. She thereafter went to lodge the report. When she returned from the police station, she had seen that Kavita Pawar, Snehal Bhalerao, and Rouf Shaikh, along with 30-35 women and 15-20 men, were there. They have changed the lock, and her household articles were kept on the road.”

4. It is the submission of Mr. Gavit, learned Counsel appearing for the Applicant that the First Informant was in fact helping the Applicant as other co-accused forcibly entered her house and were throwing her furniture, goods etc. outside the house. To substantiate the same, learned Counsel relied on the Whatsapp Chats between the

Applicant and the First Informant. Therefore, he submits that the pre-arrest bail be granted.

5. On the other hand, Ms. Newton, learned APP appearing for the Respondent-State submits that the First Informant is tenant of the suit premises. She submits that illegal contract was given to the Applicant and other co-accused to get forcible vacant possession of the subject premises from the First Informant. She submits that in the incident in question the Applicant and about 40-50 persons forcibly entered the subject premises and taken forcible possession from the First Informant and her son and the entire furniture and goods of the First Informant were thrown out from the subject premises. Thus, she submits that the offence is very serious and requires custodial interrogation.

6. As per the prosecution case, when the First Informant and her son Tushar were present in the house, the present Applicant along with about 40-50 co-accused forcibly entered the house and abused her. They forcibly removed the First Informant and her son from the said house as also entire household goods and furniture of the First Informant have been thrown out of the house and the accused changed the lock of the main door. The offence is very serious and the custodial interrogation of the Applicant is absolutely essential.

7. Although it is the contention of Mr. Gavit, learned Counsel appearing for the Applicant that the Applicant went there to save the First Informant, *prima facie*, the Whatsapp Chats between the First Informant and the Applicant shows that the First Informant was having doubts whether the Applicant is supporting her or supporting the owner in getting vacant possession. Perusal of the FIR shows that the Applicant has played major role in the crime. Thus, the said contention is without substance and in any case, not relevant at this initial stage of the investigation.

8. As held by the Supreme Court in the case of ***Nikita Jagganath Shetty vs. State of Maharashtra***¹, that 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 observed that the Court should be very cautious while dealing with the applications for anticipatory bail 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.

1 2025 SCC OnLine SC 1489

9. 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 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.”

(Emphasis added)

Thus, what has been held by the Supreme Court is 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 of Criminal Procedure, 1973. It has

² (1997) 7 SCC 187

been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary.

10. The offence is very serious. No case is made out for grant of Anticipatory Bail.

11. Accordingly, the Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]

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