

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.193 OF 2026

Rohit Raju Patharwat

... Applicant

Versus

The State of Maharashtra and another

... Respondents

Ms. Suvarna Avhad Vast, for the Applicant.

Mr. S.S. Choudhary, A.P.P, for Respondent - State.

Ms. Urmila Khot, P.S.I Jaisingpur Police Station present.

SHAILAJA
SHRIKANT
HALKUDE
Digitally signed
by SHAILAJA
SHRIKANT
HALKUDE
Date:
2026.05.07
21:56:29 +0530

CORAM : M. W. CHANDWANI, J.
DATE : 6TH MAY, 2026.

P C. :

1. The applicant is apprehending arrest in connection with Crime No.384 of 2025 registered with Jaisingpur Police Station, District Kolhapur for the offences punishable under sections 193 (3), 191 (2), 191 (1), 189 (4), 189 (2), 46, 238, 103 (1) of the Bhartiya Nyaya Sanhita, 2023.
2. Heard the learned counsel for the applicant as well as the learned counsel for non-applicant No.1 – State.

3. It appears that on 21st October 2025, i.e., on the day of Lakshmi Pujan, deceased Sunil along with his friends, was sitting in the vegetable market situated in front of Malu School from 10:00 p.m. to 2:00 a.m. At about 2:15 a.m., the applicant along with the other co-accused came there. An altercation took place between the applicant and the co-accused on one hand and deceased Sunil on the other. Subsequently, the altercation escalated into a serious and horrific incident. It is alleged that main accused – Shekhar Patharvat and Sanjay Patharvat started assaulting the deceased by means of fist and kick blows. When the deceased protested, co-accused Shekhar Patharvat inflicted a knife blow on the stomach of deceased Sunil. Co-accused Sagar Kalgutgi also assaulted the deceased by means of knife on his chest. The role assigned to the present applicant and co-accused Shivanand is that they were holding the deceased by the neck. While the applicant and other co-accused Shivanand were holding the deceased, co-accused Shekhar again inflicted one knife blow on the person of deceased Sunil. When the complainant and his companion Pundalik tried to intervene, they were threatened. The deceased fell unconscious on the ground and was taken to the hospital, where he was declared dead. Therefore, on the complaint of the complainant, the aforesaid crime came to be registered against the applicant and other co-accused.

4. The applicant takes the plea of alibi. The CDR report of his mobile phone shows that at the relevant time, his mobile phone was in the vicinity of Taluka Sinnar, District Nashik. Taking help of this CDR, learned counsel for the applicant vehemently submitted that the applicant was not present on the spot at the relevant time. According to her, one Lakshman has political rivalry with the family of the applicant due to the recent election. Therefore, the applicant is being falsely implicated in this case. The uncle of the applicant was very active in politics. However, by attempting to pressurize the political party, Lakshman is implicating all the male members of family of the applicant. Other accused persons are already arrested. Discrepancy in the inquest panchanama and requisition of the Postmortem has been pointed out to submit that the deceased was assaulted by some unknown person. Therefore, according to the learned counsel for the applicant, the applicant is innocent and requests to invoke the extraordinary relief of anticipatory bail.

5. Learned A.P.P on the other hand vehemently objected the application on the ground that the name of the applicant is appearing in the F.I.R. Specific role has been assigned to the applicant and there are witnesses to the incident. Therefore, his involvement is palpable. The applicant has criminal antecedents. According to him, the offence is serious in nature and therefore, he sought rejection of the application.

6. Perusal of the F.I.R as well as the statement of the witnesses reveals that the role assigned to the applicant is that he alongwith one Shivanand Patharvat held the deceased by his neck while the other co-accused were stabbing the deceased, so that the deceased does not move. It is alleged in the F.I.R as well as in the statement that the applicant came there alongwith other co-accused and started quarreling with the deceased. The F.I.R as well as the statement further depict the overact of the applicant when deceased Sunil was given fatal knife blows by the co-accused. Thus, there is material against the applicant regarding his involvement in the crime.

7. So far as the submission of the learned counsel for the applicant with regard to the plea of alibi is concerned, I find substance in the argument of the learned A.P.P that just because the mobile phone of the applicant was at some other place, that does not necessarily suggest that the applicant was not present at the scene of crime. Moreover, the applicant has criminal antecedents which are as follows;

Sr. No.	Crime	Offence
1.	Crime No. 43 of 2023 Police Station Jaisingpur, District Kolhapur	sections 143, 147, 149 of the Indian Penal Code, 1860.
2.	Crime No.213 of 2023 Police Station Jaisingpur, Kolhapur	Sections 307, 324, 341, 323, 504, 506, 143, 147, 148, 149 r/w section 135 of Maharashtra Police Act

Crime No.213 of 2023 has been registered against the applicant. He had been granted bail in connection with the said crime on certain terms and conditions.

8. Taking into account the statement of the complainant as well as other eye witnesses, the possibility that the mobile phone of the applicant was with some other person cannot be ruled out at this stage. So far as the submission of discrepancy in documents pertaining to the investigation is concerned, those discrepancies can be assessed during trial. Looking at the brutality of the crime, *prima facie* involvement of the present applicant in the crime; the material against him and seriousness of the offence as well as the punishment prescribed, no case is made out for exercising the extraordinary relief of anticipatory bail.

9. Hence, application is rejected.

10. Needless to mention that the observations made above are only restricted to the extent of deciding this anticipatory bail application.

[M. W. CHANDWANI, J.]