

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 366 OF 2026

Swagat Hanumant Sorte

...Applicant

Versus

State Of Maharashtra

Through Baramati Taluka Police Station

...Respondent

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Mr. Satyavrat Joshi (*through VC*) *i/b Akash Pandey, for Applicant.*
Ms. R.V. Newton, APP *for Respondent*
PSI Yuvraj Patil, *Baramati Taluka Police Station.*

CORAM : MADHAV J. JAMDAR, J.

Date : 10th February, 2026

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1. Heard Mr. Joshi, 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 ("***Sanhita***") seeking pre-arrest bail in connection with C.R. No. 531 of 2025 registered with Baramati Police Station, Pune Rural for the offences punishable under Sections 118(1), 115(2), 140(1), 189(2), 190, 191(1), 191(2) and 191(3) of the Bhartiya Nyay Sanhita, 2023.

3. The prosecution case is set out in paragraph Nos. 2 and 3 of the order dated 2nd February, 2026 passed in Criminal Bail Application No. 35 of 2026 by the Learned Additional Sessions Judge, Baramati, Dist. Pune, which read as under :

2. *The allegations in the FIR are summarized as under:*

The informant/victim Dnyaneshwar Bharat Atole runs mutton shop at Saval, Tal. Baramati. On 21/12/2025 at about 12.40 pm one person (Swagat Hanumant Sorte Sale Tax Officer/applicant) came to his mutton shop, sent amount of Rs.890/- through phone pe on scanner and asked informant to give him 1 Kg. mutton and 1/2 kg chicken. Informant told him that, there is que of other customers, therefore he may come in que of customers, on which accused gave threats to the informant saying that, he is a officer and he has no time to wait in que. He also used criminal force against the informant. Yogesh Avale the relative of informant gave understanding to him, however he was not ready to listen anything. Then 1 kg mutton and 1/2 kg chicken was given to him. Even thereafter at the time of leaving shop of informant accused Swagat Hanumant Sorte gave threats to informant that, he will show his power to informant. The informant came to know name of said person is Swagat Hanumant Sorte, on the basis of payment of money paid by accused via phone pe.

3. *On 25/12/2025 at about 4.00 pm, informant and his employee Bablu Shaikh took pet dogs of their landlord for walking. When they reached in-front of gate of Monika Lawns, one white colour swift car and one white colour Creta Car came near them. In Creta Car accused Swagat Hanuman Sorte was present, he showed informant to the*

persons accompanied with him in both cars. Thereafter, three persons alighted from swift car and abducted informant through said swift car. The other car i.e. Creta followed swift car and they took informant towards Village Jalochi. From village Jalochi, Creta car went towards Baramati. Then the accused was took through swift car towards Kanheri Road. One of the assailant made video call from his mobile phone to accused Swagat Hanumant Sorte and then he instigated the assailants for assaulting informant. Thereafter, the assailants assaulted victim/informant by belt. The assailants were possessing scythe. They also assaulted informant/victim by means of scythe and told that they will not leave alive the informant/victim. The informant/victim was requesting assailants accused/assailants demanded extortion money of Rs.10,00,000/-. not to assault him, The brother and other relatives of informant were reached there on which while taking search of informant and rescued informant from the clutches of accused. At that time accused no.5 reached to the spot through Fortuner Car. The assailants left the spot through Fortuner Car of accused no.5. Accused no.5 also uttered abuses and gave threats to the informant. The relatives of informant made phone call on phone no. 112, on which police reached to the spot and took informant/victim to the police station. Then he lodged report in police station, gave description of assailants and name of accused no.5 to the police. On the basis of said report, above referred crime has been registered.

4. It is the submission of Mr. Joshi, learned Counsel appearing for the Applicant that the First Information Report mentions about two incidents; one is dated 21st December, 2025 and another is dated 25th

December, 2025. He submits that when the second incident of 25th December, 2025 took place, the Applicant was not present on the spot and he was in the hospital which is being conducted by his wife. He submits that CCTV footage of said hospital shows that the Applicant was at the said hospital and not present at the spot when the said incident occurred. Therefore, he submits that as false First Information Report has been lodged, the custodial interrogation of the Applicant is not necessary. He submitted that the Applicant is a responsible government officer working as a Sales Tax Officer. Learned Counsel further submits that as far as the complainant is concerned, there is a crime being C.R. No. 388 of 2024 registered against the complainant on 15th September, 2024 under Section 137(2) of the BNS. He, therefore, submits that the anticipatory bail application be allowed.

5. On the other hand, Ms. Newton, Learned APP states that the accused is an influential person working as a Sales Tax Officer. The Applicant is the main accused, and at his instigation, the other accused have assaulted the First Informant. Learned APP submits that the First Informant suffered grievous injuries including fracture. Ms. Newton, Learned APP also relied on the statement of eye witness and submitted

that the eye witness corroborates what is stated in the First Information Report. Learned APP, therefore, submits that the anticipatory bail application be rejected. She further submits that as the Applicant is influential, there is reasonable apprehension of the witnesses being influenced.

6. Perusal of the record shows that the First Informant is having a mutton shop. On 21st December, 2025, the Applicant, at about 12:40 p.m., went to said shop and although there were other purchasers in the queue, the Applicant told the First Informant that he is a higher officer and he should be given priority and in view of the same, some altercation have taken place on 21st December, 2025 at about 12:40 pm. between the Applicant and the First Informant. At that time, the Applicant threatened the First Informant that he would show his strength to the First Informant. Thereafter, on 25th December, 2025, at about 4:00 pm., the Applicant and some persons came by two vehicles, namely, white coloured Swift and white coloured Creta. Thereafter, other co-accused in the Swift Car took the First Informant towards village Jalochi and they assaulted the First Informant by means of belt and handle of skythe and also abused the First informant. In that process, the First Informant

has been severely injured. The injury certificate shows that the First Informant suffered grievous injuries and also a fracture. Thus, the offence is very grave and serious.

7. Ms. Newton, Learned APP, apart from the Injury Certificate, pointed out a statement of one witness, who was present when the incident dated 21st December, 2025 and 25th December, 2025 occurred. Thus, the contents of the First Information Report are corroborated by the statement of the eye witness.

8. As noted herein above, the allegations are very serious and grave. It is well settled that among other circumstances, the factors to be borne in mind while considering an application for bail are: (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the accusation; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being influenced; and (viii) danger of justice being thwarted by grant of bail.

9. If the factual aspects in this case are examined on the touchstone of the parameters set out hereinabove, it is clear that *prima facie* involvement of the Applicant in very serious and grave crime is seen. The accusations are grave and serious. The Accused is very influential as he is a Sales Tax Officer. There is apprehension that the witnesses will be influenced.

10. The Supreme Court in the case of State represented by the ***C.B.I. Vs. Anil Sharma*** ¹ has held 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 i.e. Section 482 of the Sanhita. It has been held that for effective interrogation of a suspected person in a serious case, custodial interrogation is necessary

11. Thus, in the facts and circumstances, no case is made out for granting pre-arrest bail. Accordingly, the Anticipatory Bail Application is ***rejected.***

[MADHAV J. JAMDAR, J.]

1(1997) 7 SCC 187