

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Anticipatory Bail Application No.955 of 2026

Dipak Sahdev Waghmare

@ Nanya Waghmare

Age-20 years, Occupation – Student

R/a Gaondevi, Vakola Pipeline, Kandil,

Baba Chawl, Indira Nagar, Santacruz East,

Mumbai 400055

... Applicant

Versus

The State of Maharashtra

(At the instance of Sr. Inspector of Police,

Vakola Police Station, Santacruz (East),

Mumbai – 400 055

Through Public Prosecutor)

... Respondent

Mr Abhishek Mishra, for the applicant.

Mr VA Kulkarni, APP, for the respondent/ State.

PSI-Pairavi Dipali Dhalpe, Vakola Police Station, Santacruz
(East), Mumbai.

Coram: R.N. Laddha, J.

Date: 10 April 2026.

P.C.:

By this application, the applicant seeks pre-arrest bail in connection with CR No.228 of 2026, registered at Vakola Police Station, Mumbai, for offences punishable under Sections

118(2), 115(2), 352 and 351(2) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution, in brief, as set out in the FIR is that on 3 March 2026 at approximately 4:00 p.m., the applicant, in connivance with the co-accused, assaulted the informant and his associates. It is alleged that during the course of the assault, the co-accused struck the informant with a sickle on his palm, resulting in injury to his finger when he attempted to ward off the blow. Simultaneously, the applicant allegedly assaulted Ajit Jaiswal with a bamboo stick.

3. Mr Abhishek Mishra, learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, contends that the applicant has been falsely implicated in the crime. He submits that the informant had come to the applicant's residence and initiated a quarrel, and that the present FIR is a belated and motivated attempt to settle personal scores. The learned Counsel further submits that the allegations against the applicant are vague, omnibus, and lacking in material particulars. It is also urged that the applicant is willing to cooperate with the investigation and to abide by any conditions that this Court may deem fit to impose.

4. Mr VA Kulkarni, the learned Additional Public Prosecutor

representing the respondent/ State, opposes the applicant's request for bail. He submits that the offence is of a grave and serious nature. There are specific and direct allegations against the applicant. It is further contended that there exists a reasonable apprehension that, if granted bail, the applicant may tamper with evidence or attempt to influence witnesses.

5. This Court has given anxious consideration to the submissions canvassed across the Bar and perused the records.

6. Upon a perusal of the records, it appears that the role attributed to the applicant is not consistent. In the FIR, it is alleged that the applicant assaulted Ajit Jaiswal, whereas in the statement of Dilip Jaiswal, it is claimed that the applicant assaulted him. Pertinently, Ajit Jaiswal was not medically examined and no medical certificate is on record. In contrast, the injury certificate on record shows that Dilip Jaiswal sustained a fracture to the shoulder, which is not attributable to the present applicant in the FIR. Furthermore, the use of a sickle, which resulted in injury to the informant, is specifically attributed to the co-accused and not to the present applicant.

7. In these circumstances, this Court is inclined to extend the benefit of pre-arrest bail to the applicant. Hence, the following order:

ORDER

(i) In the event of the applicant's arrest in CR No.228 of 2026, registered at Vakola Police Station, Mumbai, the applicant shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall attend the concerned Police Station as and when required.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]