

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.193 OF 2023

Amit Dhanishankar Upadhyay	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.1338 OF 2022

Dinesh Anant Rane	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Misbaah Solkar a/w. Ms. Faiza Gawandi, for the Applicant in ABA No. 193 of 2023.

Mr. Pravin Dabade i/b. Mr. Ganesh Patil, for the Applicant in ABA No. 1338 of 2022.

Mr. R. M. Pethe, APP for the State.

Mr. Vikram Koli, API, EOW, Thane City present.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 13, 2023

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the State.

2. On 27th April, 2023 after noting the submission that the applicants were arrested on the basis of very same accusations, this Court had granted interim bail to the applicant Amit Upadhyay and directed the prosecution to make a statement about the maintainability of the fresh first information report.

3. Mr. Pethe, learned APP on instruction submits that the applicant Amit in ABA No.193 of 2023 and Dinesh in ABA No. 1338 of 2022 were arrested on the basis of identical allegations. However, at that time, the applicants were not charged with the offences punishable under Indian Penal Code.

4. From the perusal of the questionnaire addressed to Dy. Commissioner, MGST, it appears that the applicant Amit was arrested on 19th May, 2018 and Dinesh was arrested on 10th November, 2020. Prima facie, the applicants are being prosecuted on the basis of very same set of allegations.

5. In view of above, the interim order dated 27th April, 2023 is made absolute qua the applicant Amit Upadhyay (ABA No. 193 of 2023).

6. In the event of arrest in C.R. No.403 of 2021 registered with Kolsheewadi police station, the applicant Dinesh Anant Rane (ABA No. 1338 of 2022) be released on bail on furnishing a P.R. bond in the sum of Rs. 30,000/- with one or two sureties in the like amount.

7. The applicant Dinesh shall cooperate with the investigation

and attend the Investigating Officer, EOW, Thane on 26th September and 3rd October, 2023 in between 10 am to 12 noon.

8. The applicants shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or the persons acquainted with the facts of the case.

9. This Court has not entered into the aspect of maintainability of the prosecution on the basis of second first information report in respect of the same accusations and all contentions in that regard are kept open for consideration in appropriate proceedings.

Applications disposed.

(N. J. JAMADAR, J.)