

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

ANTICIPATORY BAIL APPLICATION NO. 1462 OF 2023

1. Pravin Viththal Bhoir
 2. Ravi @ Shridhar Devji Patekar
 3. Amit Shashikant Patil
 4. Pankaj Prakash Sawant ...Applicants
- vs.
- The State of Maharashtra ...Respondent

**ALONG WITH
INTERIM APPLICATION NO. 2101 OF 2023**

Anil Mohan Chavan and Anr. ...Applicants

In the matter between

1. Pravin Viththal Bhoir and Ors. ...Applicants
- vs.
- The State of Maharashtra ...Respondent

Mr.Rajendra Shirodkar – Senior Advocate a/w Mr.Archit Sakhalkar
and Mr.Nihar Ghag – Advocates for Applicants.
Mr.S.R.Agarkar – APP for Respondent-State.
Ms.Akanksha Verma a/w Mr.Chandan Jaiswal i/b. Leagas Law
Associates – Advocates for Intervenor.
Mr.S.B.Bhosle – PSI – Achole Police Station – Mira Bhayander Vasai
Virar.

CORAM : S. M. MODAK, J.

DATED : 22ND JUNE 2023

Satish Sangar

P.C. :

1. Heard learned Senior Advocate Shri.Rajendra Shirodkar for the Applicants, learned Advocate for the First-Informant and learned APP.

2. The First-Informant is one Anil Chavan who is an Advocate. He has filed an Interim Application for intervention. That proceeding is not tagged with the present Application. The copy of said Application is showed to me. Let be allowed. My attention is invited to various annexures to the Application. It consists of a news published on social media and other news. There is one letter given by the present First-Informant to Senior Police Inspector – Aachole Police Station. He has complained that the Applicant No.1 – Pravin Viththal Bhoir and others have threatened through face book. During arguments, learned Advocate for the First-Informant invited my attention to a copy of whats-app message mentioning that one Avinash Jadhav has given ultimatum to Bajaj Finance. It is marked as Annexure-X. The said Avinash Jadhav is not Applicant herein. So, that message is not relevant for hearing this Application.

3. Learned Advocate for First-Informant tried her level best to contend that the present Applicants are members of the political

parties and they are pressurizing the Government machineries. She also contends that threats were given and hence, she opposed the confirmation of anticipatory bail.

4. Learned Senior Advocate Shri.Shirodkar pointed out that in fact, some of the members of the political party have visited the ward office at Vasai Virar Municipal Corporation and it is in respect of shortage of water. They were not allowed the entry. Whereas, the incident took place on 23rd April, 2023 at about 3.00 p.m. The present Applicants have come to the office of the First-Informant. Certain altercation took place and there were abuses. The Applicant Pravin tried to press the neck of the First-Informant. Accordingly, FIR is registered on 23rd April, 2023 with Aachole Police Station under Sections 142, 143, 147, 452, 427, 323, 509, 504, 506 of Indian Penal Code, 1860 [“IPC”].

5. Learned Senior Advocate Shri.Shirodkar pointed out that Section 354 of IPC was not invoked at the time of registration of FIR but later on. It was informed on 24th April, 2023 to the concerned Court about addition of Section 354 of IPC by the Investigating Agency. Probably, it is on the basis of statement recorded of Namrata Vaiti. Learned Advocate for the First-Informant submitted that in

fact, the said statement was recorded on the same date, but police have not deliberately applied Section 354 of IPC.

6. Learned APP after taking instructions, submitted that the investigation is on the verge of completion and submitted that the Applicants have attended the Police Station as directed in the order dated 24th May, 2023.

7. Even though there are other cases against the Applicants, the Application needs to be decided on the basis of allegations and materials collected in present offence. After hearing both the sides, I find that their custodial interrogation is not required. If there are other incidents, law will take its own course. But, the prayer for anticipatory bail cannot be rejected just on the basis of previous cases, when particularly case is made out.

8. In view of that, following order is passed :-

O R D E R

- (i) The interim order passed by this Court on 24th May, 2023 is confirmed on the same terms and conditions.

9. These are my *prima facie* observations. Let the learned trial Court need not be influenced by them

10. Application is disposed of in the aforesaid terms. So also

interim application filed by the first informant is also disposed of.

11. All the parties to act on an authenticated copy of this order.

[S. M. MODAK, J.]