



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

ANTICIPATORY BAIL APPLICATION NO. 2773 OF 2023

Kunal Gopala Sanap ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Aniket Vagal, a/w Kunal Pednekar and Savvy Kohekar,
for the Applicant.

Mrs. Geeta Mulekar, for the State/Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 5th OCTOBER, 2023

ORDER:-

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for pre-arrest bail in connection with CR No.206/2022, registered with Aadgaon Police Station, Nashik, for the offences punishable under Sections 395, 397, 364(A), 324 and 363 of the Indian Penal Code, 1860 ("the Penal Code").

3. The FIR was lodged by Gaurav Suryavanshi, who was working as Security Guard at a construction site near Jatra Hotel. He reported that in the night intervening 27th and 28th August, 2022, two to three persons assaulted an unknown

person by means of stick and abducted him in an Ertiga car. The applicant has been arraigned as one of the persons, who committed abduction for ransom and also dacoity.

4. The learned Counsel for the applicant submitted that this Court has granted pre-arrest bail to co-accused Prashant Aher, who is similarly circumstanced. Like the applicant, the said co-accused was also not named in the statement of the injured Jaypal Girase and Omkar Raut, who were allegedly assaulted, robbed and abducted.

5. I have perused the statements and supplementary statements of the injured Jaypal Girase and Omkar Raut. Both the injured have named co-accused Datta Kute, Niranjan Shelke, Somnath Sanap and Aakash Kale as the perpetrators of the offences, alongwith two to three unknown persons. *Prima facie*, the material on record indicates that the applicant is similarly circumstanced like Prashant Aher, in whose favour this Court was persuaded to exercise the discretion.

6. The learned APP submitted that the Additional Sessions Judge has adverted to the fact that the presence of the applicant at the scene of occurrence is shown in the CCTV footage and CDR. This material, even taken at par, at this

stage, when the investigation is complete for all intent and purpose and charge-sheet has been lodged, does not warrant custodial interrogation of the applicant. Moreover, the applicant is also entitled to the same dispensation as was extended to Prashat Aher.

7. I am, therefore, inclined to exercise the discretion in favour of the applicant.

8. Hence, the following order:

: O R D E R :

- (i) In the event of arrest of the applicant in CR No.206/2022, registered with Aadgaon Police Station, Nashik, the applicant be released on bail on furnishing a PR Bond in the sum of Rs.30,000/- with one or two sureties in the like amount.
- (ii) The applicant shall cooperate with the investigation and attend Aadgaon Police Station on 12th 13th and 16th October, 2023 in between 11.00 am. to 2.00 pm.
- (iii) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police.

- (iv) The applicant shall, at the time of execution of the bond, furnish his address and mobile number to the Investigating Officer, and the court concerned, and shall intimate the change, if any.

Application stands disposed.

[N. J. JAMADAR, J.]