

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2804 OF 2023

Sandeep Dhanpal Khot	...Applicant
vs.	
The State of Maharashtra	...Respondent

Mr. Shekhar Ingawale, for the Applicant
Smt. Ashwini Takalkar, APP for the Respondent/State.
Mr. Shitalkumar Kolhal, API, Shahupuri police station.

CORAM : N. J. JAMADAR, J.

DATE : OCTOBER 09, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No.888 of 2023 registered at Shahupuri police station for the offences punishable under sections 170, 420 and 364A read with 34 of Indian penal Code, 1860.
3. The first informant is a medical practitioner. On 3rd September, 2023 accused Sumit Ghodke, Ravindra Patil and Suyog Kavek, who claimed to be the members of Anti Corruption Department, allegedly abducted him from his clinic representing that there was a report against him that he was indulging in unlawful sex determination of the fetus. When he was brought at Central Administrative Building, near S.P. Office, Kasba Bavda, he

made a call to the police and those three accused were apprehended.

4. During the course of investigation, it transpired that the applicant, who is the brother in law of the first informant, informed those co-accused that the first informant was indulging in illegal sex determination of the foetus and he should be exposed.

5. The learned counsel submitted that the applicant has no role in the alleged impersonation as the officers of Anti Corruption Bureau nor in abduction of the first informant. He has been roped in on the basis of statement of a co-accused, which does not constitute substantive evidence.

6. The learned APP, on the other hand, submitted that one of the co-accused Suyog Kavek has specifically named the applicant as the person who alleged that the first informant was illegally practicing as the medical practitioner and asked them to expose the first informant.

7. Even if the statement of the co-accused is taken at par, at best, the applicant can be said to have instigated the co-accused to expose the first informant on account of personal animosity. Prima facie the statement of the co-accused does not appear to incriminate the applicant. There is no prima facie material to show that the applicant was either involved in impersonation or abduction. I am,

therefore, persuaded to exercise the discretion in favour of the applicant.

8. In the event of arrest in C.R. No. 888 of 2023 registered with Shahupuri police station, the applicant Sandeep Dhanpal Khot 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.

9. The applicant shall cooperate with the investigation and attend Shahupuri police station, on 17th and 18th October, 2023 in between 10 am to 1 pm, and, thereafter, as and when directed by the investigating officer.

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

11. The applicant shall regularly attend the proceedings before the jurisdictional Court.

12. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application stand disposed.

(N. J. JAMADAR, J.)