



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**ANTICIPATORY BAIL APPLICATION NO.1985 OF 2023**

Buntly S/o Parasharam Pathrod ... Applicant

**VERSUS**

The State Of Maharashtra  
and another ... Respondents

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Mr. Avinash N. Patil Bharate, Advocate for the Applicant  
Mr. N.B. Patil, APP for Respondent – State

.....  
[CORAM : NITIN B. SURYAWANSHI, J.]

**DATE : 22<sup>nd</sup> FEBRUARY, 2024**

**ORDER :**

1. Applicant apprehends arrest in connection with Crime No.382 of 2023 registered with Bazarpeth Police Station, District Jalgaon for offences punishable under sections 377, 307, 386, 392, 504, 3506 read with section 34 of the Indian Penal Code.

2. Victim – transgender has lodged FIR against applicant contending that in the year 2017, applicant/accused No.1, accused No.2 Fazzo @ Sonu Buntly Pathrod, accused No.3 Jitu @ Jyoti Jan and accused No.4 Harshal Patil beat him by fist and kick blows and since they they were extorting amount of Rs.700/- per day from him. On or about 15.05.2023, informant stopped paying the said amount to applicant-accused, hence accused persons snatched

Rs.1,500/- from him. Applicant-accused in his house confined the informant and performed unnatural sex with informant.

3. Heard learned advocate for applicant and learned APP for the respondent No.1 – State. Perused the papers of investigation.

4. Learned advocate for applicant by relying on decision in *Prabhakar Tewari Vs. State of U.P. and anr., 2020 (11) SCC 648*, submits that merely because several criminal cases are pending against applicant, that cannot be a ground to reject anticipatory bail. There is delay in lodging FIR and applicant is falsely implicated in the present crime and hence he may be granted anticipatory bail.

5. Learned APP opposed the bail application by placing on record papers of investigation. It is further submitted that 16 offences are registered against applicant and hence he is habitual offender. He is therefore not entitled for anticipatory bail.

6. Perusal of investigation papers, *prima facie*, make out involvement of applicant in the serious offence under section 377 of the Indian Penal Code. Informant has no animosity towards applicant so as to falsely implicate him in

the present crime. 16 offences are registered against applicant under sections 302, 307, 366-A, 376, 395, 379, 386, 504 and 506 read with section 34 of the Indian Penal Code and under section 4/25 of the Arms Act.

7. There cannot be any dispute about the proposition in *Prabhakar Tewari* (supra), however, this decision would not help applicant as 16 serious offences are registered against him.

8. Custody of applicant is necessary for recovery of weapon used in the alleged offence. His medical examination is also required to be conducted. Considering the complicity of applicant in the present crime and gravity of accusations levelled against him as well as criminal antecedents of applicant, he does not deserve discretionary relief of anticipatory bail. Application is therefore rejected.

[ NITIN B. SURYAWANSHI ]  
JUDGE