

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1534 OF 2024

Suraj Janardan Patil and another ... Applicants

Vs.

State of Maharashtra ... Respondent

WITH
INTERIM APPLICATION NO.2265 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO.1534 OF 2024

Mr. Satyavrat Joshi ib. Mr. S. Pawar for Applicants.

Mr. Sagar R. Agarkar, APP for Respondent-State.

Mr. Nikhil N. Pawar for Intervenor in IA/2265/2024.

Mr. M. S. Gaikwad, API, Ashta Police Station, Sangli.

CORAM : MANISH PITALE, J.

DATE : JUNE 18, 2024

P.C. :

. Heard learned counsel for the applicants and learned APP for the respondent - State.

2. By this application, the applicants are seeking anticipatory bail as they apprehend arrest in the context of FIR registered on 14.05.2024 at Ashta Police Station, District Sangli against them for the offences under Sections 427, 436, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC).

3. The aforesaid FIR was registered on the basis of a statement given by the informant to the effect that the applicants burnt his shop and damaged his vehicle for the reason that the informant is a witness in another criminal case registered against the applicants for offence under Section 324 of the IPC.

4. The learned counsel for the applicants submits that this is a case of circumstantial evidence and the informant has caused the FIR to be registered on the basis of mere suspicion of the involvement of the applicants.

5. The Sessions Court rejected the application for anticipatory bail filed by the applicants only on the ground that the statement of an alleged witness Abhijit Jadhav shows that according to him, he had seen the applicants at the shop of the informant at about 1:30 a.m. and thereafter, it was found that the shop was engulfed in fire.

6. The learned counsel for the applicants submits that the statement leading to registration of the FIR nowhere mentions the presence of the said Abhijit Jadhav or that he had indeed seen the applicant near the shop of the informant. He submits that the said alleged eyewitness appears to be a got-up witness, only to fill the gaps in the story of the informant.

7. The learned APP, on the other hand, invited attention of this Court, not only to the statement of the said Abhijit Jadhav, who stated that when he went outside his house at about 1:30 a.m., he had actually seen the applicants outside the shop of the informant, which was burnt down, but of one Vishal Patil also, who gave a statement that he had seen the applicants using a stone to damage the car of the informant. It was brought to the notice of this Court that a supplementary statement of the informant was also recorded, which indeed refers to the aforesaid two witnesses.

8. This Court has perused the statements of the said alleged witnesses i.e. Abhijit Jadhav and Vishal Patil, It is relevant to note that the statements of both the witnesses are recorded on 14.05.2024 itself i.e. the date of the registration of the FIR. The acts alleged against the

applicants are said to have been undertaken in the night of 13.05.2024 and 14.05.2024. The supplementary statement of the informant was also recorded on 14.05.2024. It is also a matter of record that the informant is indeed one of the witnesses in a case registered against the applicants under Section 324 of the IPC. It is the positive case of the informant that since the applicants wanted to threaten and dissuade him from giving evidence against them, they had indulged in the aforesaid acts.

9. The alleged acts have resulted in registration of the serious offences against the applicants. They do have criminal antecedents.

10. In the light of the statements of the said two witnesses and the supplementary statement of the informant recorded on 14.05.2024 itself, this Court is unable to accept the contentions raised on behalf of the applicants.

11. Accordingly, the application is dismissed.

12. In view of the disposal of the anticipatory bail application, nothing survives in Interim Application No.2265 of 2024 and the same is disposed of as such.

(MANISH PITALE, J.)

Minal Parab