

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

ANTICIPATORY BAIL APPLICATION NO. 2623 OF 2024

Dhananjay Chandrakant Pawar	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Ms. Anjali Patil a/w Tohid Shaikh for the Applicant.
Ms. Mayur S. Sonavane, APP for Respondent-State.

**CORAM: MANISH PITALE, J.
DATE : 27th SEPTEMBER 2024**

P.C. :

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

2. By this application, the applicant seeks anticipatory bail in connection with FIR No. 68 of 2014 dated 26th April 2014 registered at Vairag Police Station, Dist. Solapur, for offences under Sections 143, 147, 148, 149, 341, 427, 364, 302, 120-B and 212 of the Indian Penal Code, 1860 (IPC) and Section 135 of the Bombay Police Act, 1951.

3. The applicant in the present case is arraigned as an accused, wherein the FIR was registered more than 10 years ago. The applicant did not remain available for the proceedings before the trial Court, hence charge-sheet was filed against him under Section 299 of the Code of Criminal Procedure, 1973 (Cr.P.C.). The trial

Court proceeded with the trial and eventually delivered its judgment on 2nd April 2019, whereby some of co-accused persons were convicted and sentenced to imprisonment for life. The convicted accused persons filed their appeals before this Court, which are pending.

4. The applicant filed an anticipatory bail application on 23rd July 2024 before the Sessions Court, which has been dismissed recently by an order dated 30th August 2024. The Sessions Court has observed that the co-accused persons, who were convicted, have been attributed role similar to the one alleged against the applicant. It is observed that since the registration of the FIR the applicant is absconding and hence, the prayer for anticipatory bail cannot be considered.

5. The learned counsel for the applicant submits that unless appropriate proceedings under Section 82 of the Cr.P.C. were undertaken, in law there can be no bar for considering the anticipatory bail application of the applicant. Reliance is placed on orders passed by the Division Bench of this Court in appeals filed by the convicted co-accused persons, wherein they have been granted bail, pending appeal. It is submitted that since the convicted co-accused persons are granted bail, pending appeal, the applicant deserves to be granted relief of anticipatory bail.

6. The learned APP has vehemently opposed the said prayer and he submits that the accused, who has remained absent from

the date of registration of the FIR till filing of the anticipatory bail application in July 2024, while in the interregnum, the trial itself was completed, ought not to be shown any indulgence by this Court.

7. The facts in the present case are admitted. The FIR was registered as far back as on 26th April 2014, the trial itself was completed and the trial Court delivered its judgment as far back as on 2nd April 2019. The co-accused persons in the present case stood convicted. Their appeals are pending before this Court.

8. This Court is of the opinion that the reasons recorded in order passed by the Division Bench of this Court, while granting bail to the convicted co-accused persons, during the pendency of their appeals, cannot inure to the benefit of the applicant herein.

9. The applicant is an accused person, who has not remained available before the trial Court throughout the proceedings, as a consequence of which the trial had to proceed in his absence and the charge-sheet was also filed under Section 299 of the Cr.P.C. Even if the material on record does not indicate that any proceedings under Section 82 of the Cr.P.C. were undertaken, the question is, can it lie in the mouth of such an accused person, who has avoided the process of law for more than a decade to surface before the Sessions and this Court, to claim relief of anticipatory bail on the ground of parity with the co-accused persons who have been granted bail by this Court, during the pendency of their

appeals. The answer to such a question has to be in the negative, as showing any indulgence to a person like the applicant herein, would amount to giving primacy to defiance shown by the applicant to the process of law.

10. The present application cannot be entertained and accordingly, it is dismissed.

MANISH PITALE, J.