

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3146 OF 2024**

Sagar Yashwantrao Chougule ... Applicant

vs.

The State of Maharashtra ... Respondent

Mr. Satyam H. Nimbalkar a/w. Mr. Harshwardhan Milind Pawar and Mr. Aman Dipak Pawar for applicant.

Ms. Rutuja Anil Ambekar, APP for respondent-State.

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

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No.0396 of 2024 dated 09.10.2024, registered at Laxmipuri Police Station, District Kolhapur, for offences under Sections 308(4), 333, 189(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The statement of the informant, leading to registration of FIR, shows that the co-accused persons arrived at his shop on 07.10.2024 and 08.10.2024 and indulged in actions that resulted in registration of the said offences, including a serious allegation of extortion. Although the FIR shows names of only two co-accused persons, during the course of investigation, the name of the applicant has been added as an accused.

4. The learned counsel for the applicant submits that the presence of the applicant, at worst, could be co-related with the allegations pertaining to the

incident that allegedly took place on 08.10.2024. It is submitted that, other than the statement of the co-accused person regarding the presence of the applicant, there is hardly any material to show that the applicant was present on the said date and time of the incident. It is further submitted that even if it is to be assumed that the applicant was one of the persons, who had accompanied the named accused persons on the said date, the ingredients of the serious offences are not made out against the applicant, particularly because the actual allegations regarding such serious offences are relatable to the named accused persons and not the persons accompanying him. It is submitted that the applicant is ready to co-operate with the investigation and therefore, this Court may allow the application.

5. On the other hand, the learned APP relies upon an order dated 21.11.2024 passed by this Court in Anticipatory Bail Application No.3099 of 2024 (Ansar Rafik Mulla vs. The State of Maharashtra), whereby the application filed by the co-accused person was dismissed. It was further submitted that other than the statement of the co-accused person, in the remand application, reference was made to CCTV footage, which shows the presence of the applicant with the named accused persons. It is submitted that in the present case, serious offences have been registered, as huge amount was extorted from the informant (victim) and the involvement of the applicant is *prima facie* made out, in the facts and circumstances of the present case. On this basis, it is submitted that the application deserves to be dismissed.

6. This Court has perused the material on record, in the light of the rival submissions. There is no doubt about the fact that the name of the applicant does not feature in the FIR. But, while describing the incidents that occurred

on 07.10.2024 and 08.10.2024, the informant had specifically referred to 7 to 8 persons accompanying the named accused persons, when the incident took place. The material on record shows that apart from the fact that the co-accused persons named the applicant as one of the persons present at the time of the incident, there is CCTV footage to indicate the presence of the applicant. In fact, the submissions made on behalf of the applicant were to the effect that even if the presence of the applicant at the time of the incident, is to be accepted, the nature of allegations pertaining to serious offences registered in the present case, are relatable only to the named accused persons.

7. This Court is of the opinion that since the FIR has been registered on 09.10.2024 and the investigation is still underway, the preliminary material available on record, to ascertain the presence of the applicant on the date and time of the incident, sufficiently indicates that the investigating authority is entitled to further effectively investigate into the matter and in that context, take necessary steps to ascertain the role of the absconding accused persons, including the applicant herein. At this stage itself, this Court cannot give clean chit to the applicant on the basis of the submissions made on his behalf by the learned counsel.

8. The material on record brought to the notice of this Court indicates that only the statement of the co-accused person is not the basis on which the investigating authority is proceeding against the applicant in the matter. No case is made out for granting anticipatory bail.

9. The application is dismissed.

(MANISH PITALE, J)