

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.3598 OF 2023

VISHAL
SUBHASH
PAREKAR

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Suyash @ Tatya Somnath Ghodake ...Applicant
vs.

The State of Maharashtra ...Respondent

Mr. Ghansham Jadhav a/w. Mr. Devidas Jadhav, for the Applicant
Mr. H.J. Dedhia, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.

DATE : SEPTEMBER 30, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 148 of 2023 registered at Satara City police station for the offences punishable under sections 454, 457 and 380 of Indian penal Code, 1860.
3. On 21st December, 2023 this Court was persuaded to grant interim bail to the applicant, observing, inter alia, as under:-

3] The first informant, who resides at Girgaon, Mumbai lodged a report with the allegations that in the night intervening 14th February, 2023 and 15th February, 2023, unknown persons had committed house breaking by night at his Room No.6, Sakshi Residency, Vijay Nagar, Kodoli, Satara and committed theft of the articles worth of Rs.8,79,000/-.

4] The learned Counsel for the applicant submitted that the applicant has been roped in on the basis of the statement of the Co-accused Rohan @ Reven Sontakke, who was arrested and has since been released on bail. The learned Counsel for the applicant submitted that part of the stolen property has been

recovered pursuant to the discovery made by the said co-accused. The applicant has no concern with the alleged offences.

5] The learned APP submits that there is material in the form of CDR and tower location, which points to the complicity of the applicant. The learned APP seeks time to take instructions as the Investigating Officer is not present.

6] Prima facie, FIR was lodged against unknown persons. The applicant is sought to be roped in on the basis of the statement of the co-accused.

4. The learned counsel for the applicant submits that the applicant has appeared before the investigating officer and cooperated with the investigation. Post completion of investigation, the charge sheet has been lodged against the co-accused.

5. Evidently, the FIR was lodged against unknown persons. The applicant is sought to be roped in on the basis of the statement of the co-accused. It is trite a disclosure statement made by a co-accused under section 27 of the Evidence Act is not a legal piece of evidence against non-maker co-accused. Investigation seems to have reached an advanced stage. At this length of time, the further custodial interrogation of the applicant does not seem to be warranted. I am, therefore, inclined to make the order of interim bail absolute.

Hence, the following order.

ORDER

1] The order of interim bail dated 21st December, 2023 is made absolute on the terms and conditions incorporated therein.

2] The applicant shall henceforth attend Satara City police station, as and when directed.

3] The applicant shall regularly attend the proceedings before the jurisdictional Court.

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

Application disposed.

(N. J. JAMADAR, J.)