

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

ANTICIPATORY BAIL APPLICATION NO. 3661 OF 2023

Babasaheb @ Bhimrao Vitthal Patil	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3666 OF 2023**

Shubhada Subhash Shah	..Applicant
Versus	
The State of Maharashtra	..Respondent

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3667 OF 2023**

Kisan Jagannath Gavali	..Applicant
Versus	
The State of Maharashtra	..Respondent

Mr. Dinesh Adsule for Applicant in all A.B.As.
Ms. Sharmila S. Kaushik, APP for State in ABA/3661/23.
Smt. M. H. Mhatre, APP for State/Respondent in ABA/3666/23.
MS. Pallavi N. Dabholkar, APP for State/Respondent in ABA/3667/23.

**CORAM : SARANG V. KOTWAL, J.
DATE : 2 JANUARY 2024**

PC :

1. All these applications are decided by this common order because they arise out of the same subject matter and a similar

relief is claimed in all these three applications.

2. The applicants are apprehending their arrest in connection with C.R.No.825 of 2023 registered at Mangalwedha police station, Solapur rural, on 13.10.2023, under sections 420, 467, 468, 471 r/w. 34 of the I.P.C. The F.I.R. is lodged by one Ramesh Joshi. The allegations in the F.I.R. pertain to the Board of Trustees of Shree Vidya Vikas Mandal which was a charitable trust. The applicant Babasaheb Patil was the Vice Chairman, the applicant Kisan Gavli was the Secretary and the applicant Shubhada Shah was purported to be the Chairman. The first informant claimed to be the Secretary of the Trust. According to him, the change report which was filed with the Charity Commissioner mentioned that a general meeting was held on 29.08.2021. The purported notice for that meeting was dated 17.08.2021, however, no such meeting had taken place and, therefore, the change report based on that meeting itself was forged. The proceedings of the meeting were forged. On these allegations, the F.I.R. was lodged.

3. Heard Mr. Dinesh Adsule, learned counsel for the Applicants in all the applications, Ms. Sharmila Kaushik, learned APP for the State in ABA/3661/23, Smt. M. H. Mhatre, learned APP for the State/Respondent in ABA/3666/23 and MS. Pallavi Dabholkar, learned APP for the State/Respondent in ABA/3667/23.

4. The limited grievance of the learned counsel for the applicants is that, all of them have preferred separate anticipatory bail applications before the Additional Sessions Judge, Pandharpur. The applicant Babasaheb Patil has preferred Criminal Application No.928 of 2023, applicant Shubhada Shah has preferred Criminal Application No.927 of 2023 and the applicant Kisan Gavali has preferred Criminal Application No.929 of 2023. All these applications are still pending. They are not decided finally and yet even interim relief is not granted to any of the applicants. Only the applicant Babasaheb Patil was granted interim relief to enable him to attend his grand daughter's wedding. Apart from that, there is absolutely no protection for these applicants, though, their applications are still pending final disposal.

5. Learned counsel pointed out that, all these applicants are aged persons. The applicant Babasaheb Patil is 83 years of age, the applicant Shubhada Shah is 76 years of age and applicant Kisan Gavali is 70 years of age. He submitted that, looking at the allegations, their custodial interrogation, in any case, is not necessary, even otherwise. They at least deserve some protection till their applications are decided by the learned Additional Sessions Judge.

6. Learned APP argued the matters on merits. However, since the applications are pending before the Additional Sessions Judge, it is not necessary to consider the merits of the matter at this stage. Today I am considering whether interim protection can be granted to the applicants pending their applications before the Additional Sessions Judge. The matter pertains to the documents which are already tendered before the Charity Commissioner. Therefore, the documents are already available. Considering the age of the applicants, no prejudice will be caused to the investigating agency, if all of them are protected by way of interim protection till their anticipatory bail applications are decided by

the Additional Sessions Judge, Pandharpur. In case, their applications are rejected, they need to get some breathing time to approach this court. Therefore, I am inclined to grant sufficient protection to all these applicants.

7. Hence, the following order:

O R D E R

- i) In the event of their arrest in connection with C.R.No.825 of 2023 registered at Mangalwedha police station, Solapur rural, till their Criminal Application No.928 of 2023, Criminal Application No.927 of 2023 and Criminal Application No.929 of 2023 referred to herein above are decided by the Additional Sessions Judge, Pandharpur, all the Applicants are directed to be released on bail on their furnishing P. R. bonds in the sum of Rs.25000/- each.
- ii) In case, the Applicants' criminal applications for anticipatory bail referred to herein above are rejected, this order shall continue for a period of two weeks from the orders passed in all those applications before the Additional Sessions Judge, Pandharpur.

- iii) The Applicants shall co-operate with the investigation.
- iv) All the Applications are disposed of.

(SARANG V. KOTWAL, J.)