

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

ANTICIPATORY BAIL APPLICATION NO. 3222 OF 2024

Abhijeet Shivajirao Yadav ... Applicant
Versus
The State of Maharashtra ... Respondent

**WITH
INTERIM APPLICATION NO. 4984 OF 2024
(NOT ON BOARD. TAKEN ON BOARD.)**

**WITH
ANTICIPATORY BAIL APPLICATION NO. 3222 OF 2024**

Manoj Mohan Wadhwani ... Applicant
Versus
The State of Maharashtra ... Respondent

Mr. Satyavrat Joshi a/w Ms. Sakshi S. Mane for the Applicant.
Mr. Mayur S. Sonavane, APP for Respondent-State.
Mr. Vijay J. Bhanushali for the Applicant in IA/4984/2024.
Mr. Garje, API, Bhuinj Police Station, Dist. Satara.

**CORAM: MANISH PITALE, J.
DATE : 2nd DECEMBER 2024**

P.C. :

. Heard learned counsel for the applicant, learned APP for the respondent-State and learned counsel having instructions to appear on behalf of the first informant (intervenor).

2. The informant caused the FIR to be registered on an allegation that the co-accused person, who was engaged as a replacement driver for his car, was sent to collect amount of

Rs.1.40 crores in cash from an individual in Pune, in the context of business of sale of consumer goods of the informant. The allegation is that the co-accused person disappeared with the cash.

3. The learned counsel for the applicant submits that other than the statement of the co-accused person (driver) there is hardly any material to connect the applicant with the incident in question. It is submitted that the applicant is a Police Constable, working at Kolhapur. It is further submitted that the applicant is suffering from cancer and presently he is undergoing chemotherapy. The relevant papers have been filed along with the application. It is further submitted that the applicant is ready to cooperate with the investigation and therefore, this Court may consider granting interim relief.

4. On the other hand, the learned APP and the learned counsel having instructions to appear on behalf of the first informant (intervenor) have opposed the present application. They submitted that Call Detail Records (CDRs) of the co-accused person, particularly in the context of a sim card allegedly provided by the applicant, show that the two were in touch with each other during the relevant period of time. It is further submitted that certain CCTV footage also shows that they had met each other.

5. Having considered the rival submissions, this Court is inclined to grant the interim relief to the applicant, for the reason that presently the main ground for arraigning the applicant as an

accused is the statement of the co-accused person. It is specifically stated in the statement that even the house of the applicant was searched, but nothing was found. This Court finds that the aspect of CDRs and CCTV footage, at this stage itself, may not be useful for showing the involvement and criminal intent of the applicant.

6. It is to be noted that since the applicant is a Police Constable, if he is arrested, it will have a cascading adverse effect on his service and it cannot be ignored that there are copies of documents placed on record to indicate that the applicant is undergoing chemotherapy for treatment of cancer. The applicant has undertaken to cooperate with the investigation and therefore, this Court is inclined to grant interim relief.

7. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0337 of 2024 dated 17th October 2024 registered with Bhujinj Police Station, Dist. Satara, he shall be released on bail on furnishing PR Bond of Rs.50,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 5th December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall cooperate with the investigation.

- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.
8. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.
9. List this application for further consideration on 7th January 2025 (High on Board).

MANISH PITALE, J.