

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2493 OF 2023

Kishori Kishor Pednekar	...Applicant
vs.	
The State of Maharashtra	...Respondent

WITH
ANTICIPATORY BAIL APPLICATION NO.2772 OF 2023

Satish Vasant Rao Kalyankar	...Applicant
vs.	
The State of Maharashtra and Anr.	...Respondents

WITH
ANTICIPATORY BAIL APPLICATION NO.2645 OF 2023

Onkar Ashwinikumar Sovani	...Applicant
vs.	
The State of Maharashtra and Anr.	...Respondents

Mr. Rahul Arote, for the Applicant in ABA No. 2493 of 2023.
None for the Applicant in ABA Nos. 2772 and 2645 of 2023.
Mr. S.R. Agarkar, APP, for the Respondent/State.
Mr. Adikrao Pol, ACP, EOW, Mumbai present.

CORAM : N. J. JAMADAR, J.
DATE : APRIL 18, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. By an order dated 6th September, 2023 this Court had granted interim bail to the applicant in ABA No. 2493 of 2023 ascribing reasons. Subsequent thereto, this Court granted interim bail to the applicants in ABA No. 2772 of 2023 and ABA No. 2645 of 2023,

primarily based on the reasons which weighed this Court in granting interim bail to the applicant in ABA No. 2493 of 2023. This Court had, inter alia, observed as under :-

8] I have carefully perused the allegations in the first information report and the statement of Mr. Haridas Rathod recorded under Section 164 of the Code. Indeed, Mr. Rathod states that the applicant had called and instructed him to give work to M/s. Vedanta. What is of significance, at this stage, is the fact that Mr. Rathod claimed to have issued the purchase order in favour of M/s. Care One Solutions purportedly contrary to the aforesaid instructions, on 14th May, 2020. Thereafter, the Committee of officers had re-tested Body Bags and cancelled the purchase order issued in favour of M/s. Care One Solutions. *Prima facie*, the material pressed into service against the applicant, at this stage, appears to be that of directing Mr. Haridas Rathod to award the contract to M/s. Vedanta. The said direction, as is evident, was not acted upon and, instead, Mr. Rathod issued the purchase order in favour of M/s. Care One Solutions on 14th May, 2020.

9] Undoubtedly, the matter requires investigation. However, at this stage, the custodial interrogation of the applicant does not seem to be warranted. If the investigating agency is in a position to demonstrate that the applicant influenced the decision of the Committee of Officers for extraneous consideration or that an undue advantage or wrongful gain accrued to the applicant, the issue can be considered at the final hearing of this application.

3. The learned APP, on instructions, submits that the applicants have appeared before the investigating officer, as directed, and cooperated with the investigation.

4. In view of the aforesaid statement and having regard to the reasons which weighed with this Court in granting interim bail to the applicants (extracted above), at this distant point of time,

further custodial interrogation of the applicants does not seem warranted to facilitate investigation.

5. The applicants appear to have roots in society. In the backdrop of the nature of the accusation, the possibility of tampering with evidence and fleeing away from justice appears to be remote. I am, therefore, impelled to make the orders of interim bail absolute.

6. The orders of interim bail are made absolute on the terms and conditions incorporated therein.

7. In addition, the applicants shall attend the investigating officer as and when directed, with prior notice.

8. In the event charge sheets are lodged, the applicants shall regularly attend the proceedings before the jurisdictional Court.

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

Applications disposed.

(N. J. JAMADAR, J.)