

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

ANTICIPATORY BAIL APPLICATION NO. 2681 OF 2024

Swaraj Vaijinath Kudke

...Applicant

Versus

The State of Maharashtra

...Respondent

- Mr. Dhanraj Lodha (Through V.C), for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent.
- Mr. A.G. Pawar, API, Wakad Police Station.

CORAM : MANISH PITALE, J.

DATE : 03rd OCTOBER, 2024.

P. C. :

1. Heard, Mr. Lodha, learned counsel for the applicant and Mr. Kulkarni, learned APP for the respondent – State.

2. The applicant is apprehending arrest in connection with First Information Report No.0474 of 2022, dated 30.05.2022, registered at Police Station Wakad, District Pimpri-Chinchwad, for offences under Sections 143, 147, 149, 323, 452, 504 and 506 of the Indian Penal Code, 1860 (IPC).

3. One of the offences registered in the present case is pertains to house trespass under Section 452 of the IPC, which is indeed a serious offence.

4. The statement of the informant, leading to registration of the FIR, clearly names the applicant has one of the persons, who forcibly entered

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MALANI

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into the room of the informant at about 03.00 a.m. in the morning on 28.05.2022. It is specifically alleged that the applicant alongwith the co-accused persons assaulted the informant and also threatened him.

5. Although the learned counsel for the applicant has made a fervent plea for grant of relief in the present application, primarily on the ground that charge-sheet is filed and the co-accused have been granted regular bail, this Court is not inclined to show any indulgence to the applicant. The FIR was registered as far back as on 30.05.2022 and for more than 2 years the applicant has not joined the process of law. It appears that he filed application for anticipatory bail before the Sessions Court in February, 2024, which was dismissed and thereafter, the present application is being filed.

6. This Court finds that the statement of the informant, leading to registration of the FIR itself, *prima facie*, brings out the ingredients of the offence under Section 452 of the IPC. The learned APP has produced before this Court the investigation papers. The statements of the eye witnesses, who were also present in the said room of the informant show the direct involvement of the applicant in the incident in question. Merely because the charge-sheet has been filed and the co-accused persons have been granted regular bail, cannot be a factor inuring to the benefit of the applicant, who has avoided the process of law for more than 2 years.

7. In view of the above, the application is dismissed.

(MANISH PITALE, J.)