

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2874 OF 2024

Vishal Kaluram Dhotre

...Applicant

Versus

The State of Maharashtra

...Respondent

WITH

ANTICIPATORY BAIL APPLICATION NO. 2781 OF 2024

Rohit Shivaji Dhotre

...Applicant

Versus

The State of Maharashtra

...Respondent

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- Mr. Prashant Subhash Hagare, for Applicant in ABA/2781/2024.
- Mr. Siddhi S. Patil, for Applicant in ABA/2874/2024.
- Ms. Rutuja A. Ambekar, APP for Respondent in ABA/2781/2024.
- Mr. Kiran C. Shinde, APP for Respondent in ABA/2874/2024.

CORAM : MANISH PITALE, J.

DATE : 03rd DECEMBER, 2024.

P. C. :

1. Heard learned counsel for the applicants and the learned APPs for the respondent – State.

2. This Court granted interim relief in favour of applicant – Rohit Shivaji Dhotre, on 15th October, 2024, and thereafter, interim relief was granted in favour of applicant – Vijay Kaluram Dhotre, on 24th October, 2024. While granting interim relief to the applicants they were directed to appear before the Investigating Officer on specific dates.

3. The learned APPs, on instructions, makes a statement that the applicants indeed appeared before the Investigating Officer. This indicates that they have cooperated with the investigation.

4. While granting interim relief in favour of applicant – Rohit Shivaji Dhotre in Anticipatory Bail Application No.2781 of 2024, this Court observed as follows :

“7. This Court finds that the material on record does indicate that the applicant was not named in the FIR as one of the assailants. There is admittedly no role attributed to the applicant as regards the actual assault inflicted upon the victim. The only allegation against the applicant appears to be that he, along with the named co-accused person Vishal Dhotre, were riding on a motorcycle, following the victim, just prior to the actual assault that took place in the restaurant. This Court is of the opinion that since no overt act is attributed to the applicant and he is not even named in the FIR, with the only allegation being that of following or shadowing the victim, prior to the incident, a case for granting interim relief is clearly made out. The applicant has undertaken to cooperate with the investigation. The present application can be kept pending, while interim order can be granted in favour of the applicant.”

5. Similarly, while granting interim relief in favour of applicant – Vishal Kaluram Dhotre, apart from relying upon the above quoted portion,

this Court further observed as follows :

“8. *Additionally, the learned counsel for the applicant invites attention of this Court to the photograph of the applicant at Page No.209 and a disability certificate at Page No.210 issued by the concerned authority of the Government of Maharashtra, showing that both the hands of applicant have been amputated below the elbow. He is certified to be suffering from disability of 96%. This is another ground on which this Court is inclined to grant interim relief to the applicant.*”

6. This Court is of the opinion that the above quoted observations made in the the orders dated 15th October, 2024 and 24th October, 2024, hold good for allowing the applications, particularly when the applicants have cooperated with the investigation. A *prima facie* case is found in favour of the applicants, for the reason that, at worst, the role of the applicants could be said to be of shadowing the victim before the actual incident of assault took place and there is nothing to indicate that they participated in the assault carried out on the victim.

7. In view of the above, the interim orders passed in favour of the applicants are made absolute and the applications are allowed, subject to the applicants cooperating with the proceedings before the Trial Court and attending the proceedings on each and every date, except when exempted from appearance for the reasons to be recorded in writing. The applicants

shall not tamper with the evidence and they shall not influence the informant, witnesses or any other person concerned with the case.

8. Considering the fact that the applicants are residents of the neighbourhood where the witnesses also reside, it would be appropriate to specify a further condition. Accordingly, it is directed that the applicants shall not enter jurisdiction of Police Station Baramati City, District Pune, during the pendency of the Trial. They shall report to the Police Station Bhigwan, District Pune, on the first Monday of every month between 10:00 a.m. and 12:00 noon, during the pendency of the trial.

9. The applications are disposed of.

(MANISH PITALE, J.)