

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3187 OF 2024**

Ajay Shankar Sonule	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

Mr. Paras D. Yadav for applicant.

Mr. Mayur S. Sonavane, APP for respondent-State.

Mr. D. Dethe, PSI, Laxmipuri Police Station, District Kolhapur.

CORAM : MANISH PITALE, J.

DATE : 29th NOVEMBER, 2024

P.C. :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0396 of 2024 dated 09.10.2024, registered at Laxmipuri Police Station, District Kolhapur, for offences under Sections 308(4), 333, 189(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The statement of the informant, leading to registration of FIR, shows that the co-accused persons arrived at his shop on 07.10.2024 and 08.10.2024 and indulged in actions that resulted in registration of the said offences, including a serious allegation of extortion. Although the FIR shows names of only two co-accused persons, during the course of investigation, the name of the applicant has been added as an accused.

4. The learned counsel for the applicant submits that the presence of applicant has been mentioned in the remand report and

initially, there was no reference to the presence of the applicant. It is submitted that only two accused persons were named and general statement was made that they were accompanied by 7 to 8 persons on 07.10.2024 and 08.10.2024, when the series of incidents allegedly took place. It was submitted that the applicant is not even a reporter or cameraman and he was merely a spectator and therefore, allegations made in the present case, cannot be linked with the applicant before this Court.

5. The learned APP submitted that in the present case, the anticipatory bail application filed by the named accused person Ansar Rafik Mulla was dismissed by this Court. Similarly, anticipatory bail application of a co-accused person, who was also not initially named in the FIR, was also dismissed by an order dated 27.11.2024 and that some of the co-accused persons withdrew their applications seeking anticipatory bail, after they were argued and this Court showed disinclination to allow the applications.

6. The learned APP refers to the investigation papers and particularly, CCTV footage panchanama pertaining to the incidents that took place on 07.10.2024 and 08.10.2024. He relies upon the relevant portion, which shows presence of the applicant on 07.10.2024.

7. This Court has considered the rival submissions. Although the name of the applicant is not mentioned in the FIR, the informant has specifically stated that the two named accused persons were accompanied by 7 to 8 persons, when the incidents took place. The allegation pertains to serious offences and the tenor of the statement of the informant, indicates the extent of terror that was inflicted

upon him by the actions of the accused persons.

8. The investigation papers, including the CCTV footage panchanama, *prima facie* indicates the presence of the applicant at the time, when the incident took place on 07.10.2024. The FIR having been registered on 09.10.2024 and the investigation still being at preliminary stage, this Court finds that since the presence of the applicant on one of the dates of the incidents, *prima facie* appears to be made out and the material on record also *prima facie* shows that the applicant even went to the basement of the shop, thereby indicating that he was party to the nefarious activities of the named accused persons, it can be said that a *prima facie* case is made out against the applicants.

9. Considering the seriousness of the offences and the material brought to the notice of this Court, no case is made out for granting anticipatory bail.

10. The application is dismissed.

(MANISH PITALE, J)

Priya Kambli