

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

ANTICIPATORY BAIL APPLICATION NO. 3225 OF 2024

Sujit Chandrakant Gavhane	...	Applicant
Versus		
The State of Maharashtra	...	Respondent

Mr. Aniket Nikam a/w Mr. Amol Patil i/by Amit Icham for the Applicant.

Mr. Kiran C. Shinde, APP for Respondent-State.

Mr. Mahadev B. Yalmar, PSI, Nigadi Police Station.

**CORAM: MANISH PITALE, J.
DATE : 3rd DECEMBER 2024**

P.C. :

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

2. The applicant is apprehending arrest in connection with FIR No. 0129 of 2024 dated 27th March 2024 registered at Nigdi Police Station, Dist. Pimpri-Chinchwad, for offences under Sections 323, 365, 504 and 506 read with 34 of the Indian Penal Code, 1860 (IPC).

3. The learned counsel appearing for the applicant, at the outset, points out that an earlier Anticipatory Bail Application filed by this very applicant was permitted to be withdrawn unconditionally, as per order dated 14th August 2024, passed by this Court (Coram: Sarang V. Kotwal, J.) in Anticipatory Bail Application No. 2177 of 2024.

4. It is submitted that despite having withdrawn the earlier application, due to change in circumstances, which have vital bearing on the contentions of the applicant, the present anticipatory bail application has been moved before this Court.

5. It is submitted that a co-accused person i.e. Krishna @ Shrikrishna Manik Jadhav had applied for anticipatory bail before this Court by filing Anticipatory Bail Application No. 1520 of 2024. The said application was rejected by a reasoned order passed on 11th June 2024 by this Court (Coram: Sarang V. Kotwal, J.). According to the learned counsel for the applicant, the role attributed to the said co-accused person i.e. Krishna Jadhav is identical to the role attributed to the applicant herein.

6. It is further brought to the notice of this Court that the aforementioned order, rejecting anticipatory bail application of co-accused-Krishna Jadhav, was challenged by filing Special Leave to Appeal (Crl.) No. 10948 of 2024 before the Supreme Court. On 14th August 2021, the Supreme Court granted interim relief to the said co-accused person and subsequently on 23rd September 2024, the Special Leave Petition itself was allowed and anticipatory bail was granted to the said co-accused.

7. In view of the said subsequent events, the learned counsel for the applicant is pressing for relief in the present application. Attention of this Court is invited to the statement of the informant, leading to registration of the FIR, to show that the role

attributed to the present application is identical to the role attributed to the co-accused-Krishna Jadhav and on the principle of parity, relief is sought on behalf of the applicant.

8. The learned APP, on the other hand, submits that statement of the informant and investigation into the matter, clearly reveal the overt acts on the part of the applicant. It was the applicant who forced the victim into a car and along with co-accused person, forcibly took him away from the spot, from where he was picked up. It was submitted that therefore, ingredients of the alleged offences are clearly made against the applicant.

9. This Court has perused the statement of the informant, which describes in detail, how the victim was picked up by the accused persons, forced into a car and thereafter, beaten up and threatened.

10. It is a matter of record that anticipatory bail applications of co-accused Amit Ramesh Gavhane and Krishna Jadhav, were rejected by this Court. Only the anticipatory bail application of co-accused-Archana Sambhaji Jagtap was allowed by distinguishing her role, while the earlier anticipatory bail application of this very applicant was unconditionally withdrawn. In such circumstances, ordinarily this Court would not have entertained this anticipatory bail application, but for the fact that the Supreme Court granted relief to co-accused-Krishna Jadhav, despite the fact that this Court (Coram: Sarang V. Kotwal, J.) by a reasoned order had rejected the

anticipatory bail application of the said co-accused person.

11. A perusal of the FIR shows that the role attributed to the applicant herein can be said to be similar/identical to the role of co-accused-Krishna Jadhav. In the light of the fact that Special Leave Petition filed by co-accused-Krishna Jadhav was allowed, this Court is inclined to allow the present application. A perusal of the order dated 23rd September 2024 passed by the Supreme Court in Special Leave to Appeal (Crl.) No. 10948 of 2024, shows that the following observations were made, while allowing the said Special Leave Petition :

“ Considering the nature of the case and the fact that the petitioner has no criminal antecedents this Court vide order dated 14.08.2024, granted interim protection to the petitioner.

Heard learned counsel for the petitioner and the respondent-State.

We see nothing has come on record to show that the petitioner has not been cooperating with the ongoing investigation.

Under these circumstances, we are of the opinion that the order dated 14.08.2024 granting interim protection to the petitioner should continue.

Accordingly, in the event of the arrest of the petitioner, the petitioner is directed to be released on bail forthwith on the usual terms and conditions to be decided by the concerned court.

The present petition shall stand disposed of in the above terms along with pending application(s), if any.”

12. In view of the above, this application is allowed in the following terms :

(a) In the event the applicant is arrested in connection with FIR No. 0129 of 2024 dated 27th March 2024 registered at Nigdi Police Station, Dist. Pimpri-Chinchwad, he shall be released on bail on furnishing PR Bond of Rs.30,000/- and one or two sureties in the like amount.

(b) The applicant shall attend the concerned Police Station as and when called and 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 or any other person concerned with the case.

13. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application.

14. The application is disposed of.

MANISH PITALE, J.