

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3441 OF 2024

Shambhuraj Shivaji Jadhav ... Applicant
Vs.
State of Maharashtra ... Respondent

Mr. Ajit J. Kenjale a/w. Mr. Sai Rajendra Kadam for Applicant.
Ms. Megha S. Bajoria, APP for Respondent-State.
Mr. Sandeep Natha Mane, Head Constable, Koregaon Police Station, Satara.

CORAM : MANISH PITALE, J.
DATE : DECEMBER 18, 2024

P.C. :

. Heard Mr. Kenjale, learned counsel for the applicant and Ms. Bajoria, learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No.0339 of 2022 dated 10.10.2022 registered at Koregaon Police Station, District - Satara, for offences under Sections 4 and 25 of the Arms Act, 1959, as also Sections 109, 143, 147, 148, 149, 307, 324 and 506 of the Indian Penal Code, 1860 (IPC).

3. It is to be noted that the FIR was registered more than two years and two months ago and the applicant has remained absconding. He has approached this Court in November 2024 to press for relief of anticipatory bail. It is also a matter of record that the applicant had approached the Sessions Court in the year 2023, seeking anticipatory bail and his application was dismissed as far back as on 20.02.2023 i.e. about one year and ten months ago.

4. The charge-sheet has been filed and as against the applicant, it has

been filed under section 299 of the Code of Criminal Procedure, 1973.

5. In this backdrop, when specific queries were put to the learned counsel for the applicant as to why such a prayer for anticipatory bail is to be considered in such circumstances, it was claimed that there were some personal difficulties of the applicant due to which, he could not file anticipatory bail application before this Court earlier or after the charge-sheet had been filed.

6. It was submitted that if the material, that has now come on record, is taken into consideration, the applicant has a *prima facie* case in his favour.

7. The learned APP has strongly opposed this application, submitting that the applicant has remained absconding throughout and this Court may not show indulgence to the applicant, particularly because of the overt acts attributed to him by the informant.

8. This Court has considered the material on record. The statement of the informant leading to registration of the FIR specifically attributes overt acts to the applicant in the form of having assaulted victim Navnath Kadam by means of *kukri* on his hand and having assaulted victim Narayan Kadam by means of *kukri* on his ribs. The use of weapon and the overt acts attributed to the applicant sufficiently demonstrate a strong *prima facie* case against him. The prayer for anticipatory bail of such an absconding accused person cannot be considered, particularly when the FIR itself was registered more than two years and two months ago.

9. The application is dismissed.

(MANISH PITALE, J.)