

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2011 OF 2024
IN
BAIL APPLICATION NO.286 OF 2024

Jyoti Rajaram Khese

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Ms. Saba Shaikh, for the Applicant in IA/2011/2024.

Mr. Y. M. Nakhwa, APP, for the Respondent – State.

Mr. Sachin P. Hire, Assistant Commissioner of Police, Pimpri Chinchwad, present.

Mr. R. A. Bhaskar, P.S.I., Bhosari Police Station, Pimpri Chinchwad, present.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16 OCTOBER 2024

P.C.:

- 1.** This Application has been filed for cancellation of bail.
- 2.** This Court passed following Order on 9th September 2024:-

“1. Heard Ms. Saba Shaikh, learned counsel appearing for the Applicant and Ms. Newton, learned APP for the Respondent-State.

2. Issue notice to the Respondent No. 2, returnable on 23rd September 2024. In addition to Court's notice the Investigation Officer to intimate the next date of hearing to the Respondent No. 2.

3. *It is clarified that inspite of receipt of communication about the next date of hearing, Respondent No. 2-Santosh Jaysing Pawar remains absent in the Court then the Court will be constrained to pass further orders ensuring presence of Respondent No. 2 in the Court.”*

3. This Court by Order dated 23rd September 2024 issued bailable warrant to the Respondent No.2 in the sum of Rs.10,000/- and made the same returnable on 7th October 2024 as inspite of receipt of the intimation the Respondent No.2 failed to appear in the matter. The relevant Paragraph Nos. 2 and 3 of the Order dated 23rd September 2024 read as under:-

“2. *Although the notice issued through the Court is not yet served on Respondent No.2, the I.O. has **intimated Respondent No.2 about this date of I.A. and obtained the acknowledgment of the Respondent No.2.** Inspite of the same, Respondent No. 2 is not present in the Court.*

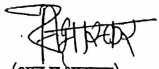
3. *Accordingly, **issue bailable warrant to the Respondent No.2 in the sum of Rs.10,000/- returnable on 7th October 2024.***

(Emphasis added)

4. On 7th October 2024, on instructions, learned APP sought time to comply with said Order dated 23rd September 2024. Accordingly, fresh bailable warrant has been issued to the Respondent No.2 in the sum of Rs.10,000/- and made the same returnable on 14th October 2024.

5. It appears that, Mr. R. A. Bhaskar, Police Sub-Inspector of Bhosari Police Station, Pimpri Chinchwad issued a letter dated 1st October

2024. The said letter reads as under:-

	भोसरी पोलीस स्टेशन, पिंपरी चिंचवड आयुक्तालय. पत्ता:- पुणे नाशिक हायवे, सी. आय. आर. टी. जवळ, एमआयडीसी भोसरी, पुणे- २६ फोन नं.०२०- २७१२४७२८ ई मेल आयडी- psbhosari.pcp-mh@gov.in	
जावक क्रमांक :- ७४३५/२०२४, भोसरी पोलीस स्टेशन, पिंपरी चिंचवड.		दिनांक :- ०१/१०/२०२४
समजपत्र		
प्रति, संतोष जयसिंग पवार, वय-४५ वर्ष, धंदा- शेअर मार्केट, रा. समृद्धी अपार्टमेंट, कर्मभुमीनगर, लोहगाव, वाघोली रोड, पुणे, मोबाईल नंबर- ९९४६३९२८०४, ९२७००५४६९८. उपरोक्त विषयान्वये आपणास कळविण्यात येते की, भोसरी पोलीस स्टेशन, पिंपरी चिंचवड, पुणे येथे आपणावर गुन्हा रजि.नं. १२०/२०२३ भा.द.वि.कलम ४०६, ४०९, ४२०, भादवि सह कलम ३ एम.पी.डी.ए. ॲक्ट प्रमाणे गुन्हा दाखल आहे. सदर गुन्हातील आय.ए. नंबर २०११/२०२४ अन्वये दि. २३/०९/२०२४ रोजी उच्च न्यायलय, मुंबई, महाराष्ट्र येथे कोर्ट नंबर- २ मध्ये सदर बाबत सुनावणी होणार आहे. तरी आपण दि. ०७/१०/२०२४ रोजी सकाळी १०/०० वाजता उच्च न्यायलय, मुंबई, महाराष्ट्र येथे हजर रहावे		
	कळावे  (आर.ए.भास्कर) पोलीस उपनिरीक्षक भोसरी पोलीस स्टेशन, पि.चि.	

6. Mr. R. A. Bhaskar, Police Sub-Inspector has put following note on the said letter dated 1st October 2024.

सदस्ये समजप्रत हे द्यावले गुण्यातील आरोपीस दि. ०१/१०/२४ रोजी सकाळी १०/६० वा. उच्च न्यायालय मुंबई येथे हजर राहिलोकीत त्याचे व्हॉट्सअप मोबाईल नंबरवर पाठविले आहे. तसेच त्याचे मोबाईल नंबरवर कॉल करून कळविले आहे.

7. Thus, it is clear that although this Court has issued bailable warrant in the sum of Rs.10,000/- by Order dated 23rd September 2024 the above letter has been sent on WhatsApp number of the Respondent No.2. Thus, *prima facie*, the Order dated 23rd September 2024 has been violated and in fact the Police Authorities have acted in such a manner that will help the Respondent No.2 - Accused.

8. Mr. Nakhwa, learned APP today submitted a Report dated 16th October 2024 of the Assistant Commissioner of Police, Pimpri Chinchwad. The statement of Vaishali Santosh Pawar (i.e. the wife of the Respondent No.2) dated 14th October 2024 has been annexed to the said Report. It is stated in said statement by the wife of the Respondent No.2 that for last about 10 years the Respondent No.2 has visited the residence very rarely. The statement of Mr. Mangesh Jaysingh Pawar (i.e. brother of the Respondent No.2), is also annexed to the said Report and he has stated therein that said Santosh Jaysingh Pawar is residing with his wife Vaishali and children at Swadeshi Apartment, Flat

No.1105, Near D Mart, Moshi, Pune and said Vaishali has informed him that for last 15 days the Respondent No.2 is not available at his house. Thus, it is clear that to help the Respondent No.2 Police Authorities are recording various statements and the Assistant Commissioner of Police, Pimpri Chinchwad has not even bothered to apply his mind.

9. Ms. Saba Shaikh, learned Counsel appearing for the Applicant submitted that when the Order dated 19th March 2024 granting bail to the Respondent No.2 has been passed by this Court, wife of the Respondent No.2 was personally present in the Court.

10. Thus, this is a case where *prima facie* I am satisfied that the Police Authorities are acting in the manner to protect the Respondent No.2.

11. Accordingly, the Commissioner of Police, Pimpri Chinchwad, is directed to appear through Video Conferencing (V.C.).

12. Stand over to **17th October 2024 at 2:30 p.m..**

[MADHAV J. JAMDAR, J.]