



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

924 ANTICIPATORY BAIL APPLICATION NO. 417 OF 2025

Sanket Shivaji Khose

VERSUS

The State Of Maharashtra And Others

...

Advocate for Applicant : Mr. Kakade Amol Narhari

APP for Respondents-State: Mr. G. O. Wattamwar

Advocate for Assist to APP : Mr. G. R. Syed

...

WITH

ANTICIPATORY BAIL APPLICATION NO. 412 OF 2025

Prashant Kashinath Zaware

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Narwade Narayan B.

APP for Respondents-State : Mr. G. O. Wattamwar

...

WITH

**CRIMINAL APPLICATION NO. 1103 OF 2025
IN ABA/417/2025**

Vikas Vishwnath Phapale

VERSUS

The State Of Maharashtra And Another

...

Advocate for Applicant : Mr. Syed G R

APP for Respondents-State: Mr. G. R. Syed

....

CORAM : ARUN R. PEDNEKER, J.

Dated : March 27, 2025.

PER COURT :-

1. Criminal Application No.1103 of 2025 is filed to assist the learned APP. The said application is allowed and disposed of.
2. The applicants in ABA/417/2025 and ABA/412/2025 have approached this Court apprehending arrest in connection with FIR No.0917/2024, dated 27/12/2024, registered with Parner Police Station, Taluka Parner, District

Ahmednagar, for offences punishable under Sections 109, 118(1), 119(1), 115(2), 352, 351(2), 189(2), 190, 191(2)(3), 126(2), 324(4), 49, and 140(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The FIR was registered on 27/12/2024 on the complaint of the informant, who alleged that on 23/12/2024 at about 7:45 p.m., while he was traveling by car towards Gargundi village via Gargundi Fata, accused No.1, Ketan Phapale, overtook his vehicle and stopped ahead. Near Chand Pathan's field, accused No.1 intercepted the informant, and four other accused persons alighted from the vehicle, verbally abused him, and threatened that two persons have given contract to the accused No.1 to kidnap and kill him.

4. The supplementary statement of the informant was recorded on 02/01/2025, wherein he reiterated his allegations and gave names of the above applicants as the persons who had given contract to accused No.1 to kidnap and eliminate him.

5. In light of the supplementary statement, the applicants have filed the present application for anticipatory bail.

6. The learned Counsel for the applicants submits that their names do not appear in the FIR. The FIR itself was lodged belatedly after four days.

The applicants' names were only disclosed later in the supplementary statement recorded on 02/01/2025, wherein it was alleged that they had instigated the assault and that charges related to kidnapping and attempted to murder were invoked against them.

7. It is further submitted that the applicants had no active participation in the offence, and their involvement is based solely on the supplementary statement of the informant. Therefore, considering the lack of direct role, the applicants seek protection by way of anticipatory bail.

8. On the other hand, the learned APP opposes the application, arguing that the FIR itself records that before assaulting the informant, the accused No.1 stated that two persons had given him a contract to kidnap and kill the informant. Further, statements of witnesses have been recorded, in which they have stated that they heard accused No.1 stating that the applicants have given contract to kidnap and eliminate the informant on account of interference in the construction business.

9. The learned APP further submits that accused No.1 has already been arrested, and his mobile phone has been recovered. The call records retrieved from his mobile contain recordings of conversations between accused No.1 and the applicants, discussing how the informant was to be assaulted. The transcript of these conversations has been produced before

me. Additionally, it is submitted that accused No.1 recorded a video of the incident and forwarded it to the applicants.

10. Considering the nature of the allegations, the preliminary stage of the investigation, and the recorded conversations between the applicants and accused No.1, *prima facie* it is seen that the applicant is involved in grave offence as such no case is made out for granting anticipatory bail. In view of the same, ABA/417/2025 and ABA/412/2025 stand dismissed.

(ARUN R. PEDNEKER, J.)

vj gawade/-.