



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

ANTICIPATORY BAIL APPLICATION NO. 540 OF 2025

NIKHIL GOVIND ABUJ
AND
VILAS ASHRUBA GHUGE
VERSUS
THE STATE OF MAHARASHTRA

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Shri Kulkarni Suvidh S., Advocate for the Applicants.
Shri A.V. Lavte, APP for the Respondents/State.

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CORAM : ADVAIT M. SETHNA, J.

DATE : 01 August 2025

P. C. :-

1. Heard the learned Advocates for the parties.
2. The Applicants were initially protected by the order dated 15 April 2025 by imposing certain terms and conditions on the Applicants in paragraph 4 of the order. Thereafter, subsequent orders have been passed by this Court dated 18 July 2025 and 25 July 2025 continuing the interim protection in favour of the Applicants.
3. From the submissions made by the prosecution, it appears that the Applicants have complied with the terms and

conditions set out in the order dated 15 April 2025. Apparently there is no breach of the said order. Thus, it can be inferred that the present Applicants have joined the investigation. As far as *prima facie* case is concerned, there is nothing brought on record by the prosecution against the Applicants after the order dated 15 April 2025.

4. What is noteworthy is that by order dated 18 July 2025, the learned APP has specifically raised an issue with regard to the JCB machine and submitted that it belongs to the Applicants. As far as the Scorpio vehicle and Eicher Transport vehicle are concerned, both have been recovered. In regard to the JCB machine, the learned APP would now fairly state that the issue of ownership of the JCB machine to the effect that it belongs to the Applicants, has been revealed in the statement of one of the co-accused persons during the course of investigation. In this context, it is apposite to refer to the decision of the Honourable Supreme Court dated 16 May 2025 in ***P. Krishna Mohan Reddy vs. The State of Andhra Pradesh***, in Special Leave Petition (Criminal) No.7532/2025, wherein, the Honourable Supreme Court *inter alia* has observed that the

statement of the co-accused recorded under Section 161 of the Code of Criminal Procedure during the course of investigation, cannot be used against the another co-accused at the stage of regular bail or anticipatory bail.

5. Be that as it may, the prosecution is not able to discharge the burden in this regard as the law would mandate to dislodge the claim of the Applicants that the JCB machine does not belong to them. The learned APP has expressed that for such purpose, custodial interrogation of the Applicants would be necessary. However, it is apposite to refer to the decision of the Honourable Supreme Court dated 06 March 2024 in ***Bijender vs. State of Haryana*** in S.L.P. (Cri.) (S) No.1079/2024 wherein, the Honourable Supreme Court has observed that whilst the Court is concerned with detention of the accused at the investigation stage, it is not testing the legality of the case instituted against him in an Anticipatory Bail proceedings. Similar observations have also been made in the case of ***Pradip N. Sharma vs. State of Gujarat, S.L.P. (Cri.) No.354/2019*** wherein, it has been observed that when the accused has expressed his willingness to cooperate with the investigation and

no material has been placed before the Court to suggest that he has evaded or obstructed the investigation in any manner, then, it is well settled that anticipatory bail can be granted where custodial interrogation may not be essential also when his presence can be secured.

6. For such reasons, physical custody of the Applicants does not seem to be necessary in the given factual complexion. For the above reasons, in my view, the interim order dated 15 April 2025 stands confirmed and the following order would meet the ends of justice:-

ORDER

(i) In the event of arrest of the Applicants in connection with C.R. No. 0031/2025 registered with Pimpalner Police Station, Dist. Beed for the offences punishable under Sections 130, 177, 192 and 39 of the Motor Vehicles Act, 1988 and under Sections 3(5), 303(2) and 49 of the Bhartiya Nyay Sanhita, 2023, the Applicants are directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) each with one solvent surety in the like amount.

(ii) The Applicants shall attend the concerned Police Station as and when required by the Investigating Officer till the filing of the charge sheet. They are further directed to co-operate in

the investigation.

(iii) The Applicants shall furnish details of residential address and other contact details such as the mobile number etc. to the concerned Police Station. If there is any change in the contact details, the same shall be immediately informed to the concerned Police Station.

(iv) The Applicants shall not leave the jurisdiction of the Court without prior permission of the Court subject to further orders / until filing of the charge-sheet.

(v) The Applicants shall not contact and/or influence the witness/es and/or tamper with the evidence in any manner whatsoever.

7. **The Anticipatory Bail Application is allowed in the above terms.** However, it is made clear that the observations made in this order are *prima facie* in nature for the purpose of adjudication of this application.

kps

(ADVAIT M. SETHNA, J.)