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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

914 ANTICIPATORY BAIL APPLICATION NO. 1199 OF 2025

SURESH ALIAS SURYAKANT CHANDRAKANT KAMBLE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

Mr.Ajinkya Kale i/b Talekar and Associates, Advocate for the Applicant.
Mr.K.K.Naik, APP for the Respondents/State.

(CORAM : ADVAIT M. SETHNA, J.)

DATE : 23 JULY 2025

P. C. :

1. The matter is listed for the first time today.
2. Issue notice to the Respondents. Mr. Naik, the learned APP waives service for the State.
3. The Applicant has filed this proceeding under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”) as he apprehends arrest.
4. These proceedings arise out of CR No.0157 of 2023. The FIR is lodged on 21 June 2023 at 13.16 hours by the Bhoom Police Station, Osmanabad. The date of occurrence of the alleged incident as stated in the FIR is 21 June 2023. The FIR has been registered under

Sections 306, 323, 504, 506 r/w 34 of the IPC. There are 6 accused persons and 2/3 unknown accused persons as disclosed in the FIR, out of whom, accused No.4 is the present Applicant before this Court. The Informant is one Shama Daut Pathan.

5. With the assistance of learned counsel for the parties, I have perused FIR and record available with the Court.

6. The facts as this Application would reveal has a chequered history. Without delving more into the nuisance at the very threshold, it is pertinent to refer to an order dated 8 December 2023, where this Applicant preferred a SLP (Criminal) No.15506/2023, arising out of the impugned final judgment and order dated 18 October 2023 in ABA No.1569/2023 passed by this Court. The Supreme Court by such order, was pleased to issue Notice. The Petitioner i.e. the present Applicant was protected from arrest subject to the condition that he shall co-operate with the investigation. Thereafter, subsequent final order in the said SLP was passed by the Supreme Court dated 19 January 2024, where it has observed thus :-

“ We do not find any ground to interfere with the impugned order passed by the High Court.

However, we grant four weeks’ time to the petitioner to surrender before the concerned Court and apply for regular bail.

As and when the regular bail application is moved, the Trial Court shall consider it expeditiously.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.”

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7. It is clear as crystal that the order of the Supreme Court (supra) dated 19 January 2024 is to be complied with by the Applicant in letter and spirit. However, the Applicant, in gross abuse of the process of law and the orders granted by the Supreme Court, has chosen not to surrender within 4 weeks, as directed and thus has failed to comply with the orders of the Supreme Court. Today, when his Anticipatory Bail Application was being heard, by this Court, after some time when the Court expressed its *prima facie* view on hearing the learned Advocate for the Applicant and the learned APP for State, the learned Advocate for the Applicant requested for time to take

instructions.

8. The learned Advocate for the Applicant would submit that the Applicant now seeks leave of this Court to withdraw this Application. The Ld. APP correctly objects to such request in the peculiar facts and circumstances.

9. After perusing the orders passed by the Supreme Court dated 8 December 2023 and 19 January 2024, if such request is acceded to, this would tantamount to putting Court's imprimatur to the conduct of this Applicant who has scant regard to the orders of the Supreme Court, which cannot be countenanced.

10. Considering the above, the **Anticipatory Bail Application is Dismissed**. It appears from the stand of the prosecution that the whereabouts of this Applicant are unknown as he attempts to flee from justice. The Investigating Agency / concerned Police Station is directed to forthwith take all appropriate steps as the law would mandate so as to ensure that the Applicant does not continue to evade the law of the land and is brought to justice.

(ADVAIT M. SETHNA, J.)