



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

ANTICIPATORY BAIL APPLICATION NO. 1548 OF 2024

**SHANKARRAO BABURAO GAIKWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Shri Rahul R. Karpe, Advocate for the Applicants.
Shri M.K. Goyanka, APP for the Respondents/State.
...

**WITH
CRIMINAL APPLICATION NO. 4304 OF 2024
IN ABA/1548/2024**

**SUNANDA BAPU SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Shri Shaikh Mazhar A. Jahagirdar, Advocate for the Applicant.
...

CORAM : ADVAIT M. SETHNA, J.

DATE : 22 July 2025

P. C. :-

1. Heard the learned Advocates for the respective sides.

2. At the very outset, the learned Advocate for the Applicants refers to the order dated 09.09.2024 by which order, the Applicants were granted interim protection by imposing

certain terms and conditions in paragraph No.4 of the said order.

3. Shri Goyanka, learned APP, after taking appropriate instructions, would submit that the terms and conditions set out in the order dated 09.09.2024 are duly complied with by the Applicants. There is no breach of the said terms and conditions and the Applicants have cooperated in the investigation. It is thus, clear that in such facts and circumstances, the Applicants have duly joined the investigation. There is no adverse material placed by the prosecution on record with regard to *prima facie* case made out by the Applicants in pursuance to the order dated 09.09.2024.

4. Shri Jahagirdar, learned Advocate for the Informant/Applicant in Criminal Application No.4304/2024, in support thereof, has raised strong objections to grant of any relief to the Applicants in the Anticipatory Bail Application. He would draw attention of the Court to FIR No.0611/2024 (qua Applicant No.2) dated 12.06.2024 registered by Shrirampur Police Station, District Ahilyanagar, under Section 7 of the Prevention of Corruption Act. He would submit that from the said FIR, it becomes evident that these Applicants are in habit of accepting

bribes on some pretext or other. He would also submit that the Applicants, pursuant to such FIR, were arrested and then enlarged by the Trial Court on bail.

5. Shri Jahagirdar would then place on record an enquiry report dated 15.04.2025 when the Enquiry Committee of three persons was constituted and the matter was referred to the Education Officer. Relying on the last paragraph of the said report, he would submit that it is clear that these Applicants have indulged in several corrupt practices falling within the scope and ambit of the Prevention of Corruption Act. In such circumstances, he would submit that this is not the fit case to grant any relief more particularly that of anticipatory bail to the Applicants.

6. On hearing the learned Advocates for the parties, the submission of the learned APP is required to be noted to the effect that the Applicants have duly joined investigation pursuant to the order protecting these Applicants passed on 09.09.2024 i.e. more than ten months have passed since then and such protection is continued. According to the prosecution, there is no breach of the said interim protection. It is trite law that when such

submission is made by the prosecution, it would not warrant interference more particularly at this juncture when the Court is confronted with adjudication of the Anticipatory Bail Application.

7. As far as the submissions of Shri Jahagirdar are concerned, mainly that the prosecution has filed the charge-sheets when the Courts are protecting the Applicants by interim orders, I am afraid that such issue is a larger issue and not restricted merely to the facts of the present proceedings. The Applicants are at liberty to pursue appropriate course and remedy as regards adjudication of such larger legal issues. As far as his submission about the enquiry report is concerned, same has been taken into consideration by the Education Officer and certain findings have been recorded. More importantly, as far as the FIR pointed out by Shri Jahagirdar to show habitual conduct of these Applicants is concerned, it may be noted, as submitted by him, that the Applicants were arrested, but have been released on bail. This would demonstrate that the proceedings in the said FIR are taken to logical conclusion, more particularly the charge-sheet in pursuant to FIR No.0611/2024 is also filed. In such view of the

matter, this Court exercising jurisdiction under Section 482 of the BNS has nothing more to add in these proceedings.

8. For the reasons noted above, the order of this Court dated 09.09.2024 granting interim protection to the Applicants needs to be confirmed. In the given factual circumstances, custodial interrogation is not warranted as far as these Applicants are concerned. As such, Anticipatory Bail Application deserves to be allowed in the following terms and conditions, which in my view meet needs of justice:-

ORDER

(i) In the event of arrest of the Applicants (Shankarrao Baburao Gaikwad and Sangita Nandlal Pawar) in connection with C.R. No. 733/2024 registered with Shrirampur City Police Station, District Ahilyanagar, for the offences punishable under Sections 471, 468, 467, 420, 167 r/w 34 of the Indian Penal Code (under Sections 318(4), 319, 336(3) of the Bhartiya Nyay Sanhita), 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. 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, until further orders.

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

9. **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* for adjudication of this application.

10. Nothing survives in **Criminal Application No.4304/2024**, which is thus **disposed of**.

kps

(ADVAIT M. SETHNA, J.)