



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

ANTICIPATORY BAIL APPLICATION NO.1655 OF 2024

SUSHIL VIJAYKUMAR SALUNKE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant: Mr. Sambhaji Subhashrao Tope

APP for the Respondent / State: Mr. N. B. Patil

Advocate for Assist to PP:

Mr. S. J. Salunke h/f. Mr. Amol Ratan Gaikwad

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CORAM : ARUN R. PEDNEKER, J.

Closed for Orders On : 05.03.2025

Order Pronounced On : 28.04.2025

ORDER:

1] Heard learned counsel for the applicant, learned APP for the respondent-State and the learned counsel for assist to public prosecutor.

2] The applicant is apprehending arrest in connection with Crime No.347/2024, registered at Majalgaon City Police Station, Majalgaon, District Beed, for the offences punishable under Sections 119(1), 190, 191, 324(4), 115(2), 351(2), 352 and 333 of the Bharatiya Nyaya Sanhita, 2023.

3] This court by order dated 01.10.2024 granted interim protection noticing submissions at paragraphs no.3 and 4, as under:

“3. This is a stage of ad-interim relief. Perusal of the first information report indicates that there is a political rivalry between the applicants and the informant. The informant had reported incident dated 31st August, 2024 wherein it is alleged that the applicants entered in his shop and then assaulted him with iron rod, stone etc. There is allegation that one of the applicant had snatched his mobile phone.

4. During the course of the arguments it is made clear to this Court that the applicants did not carry any weapon while they allegedly entered in his shop of the informant. There is prima facie no material on record to indicate that it is a case of extortion.”

4] Thereafter, when this matter was argued before this court (Coram: R. M. Joshi, J.), the court was not inclined to grant relief and passed the order as on 05.02.2025, which reads at paragraphs no.4 and 5, as under:

“4. After hearing learned counsel for applicant, this Court has shown disinclination to grant relief to the applicant.

5. Learned counsel for applicant seeks time to take instructions from applicant in this regard.”

5] Thereafter, on account of change of roster, the matter was listed before this court. The learned counsel for the applicant instead of withdrawing the matter has argued the matter on merits and the same is also considered on merits by this court.

6] The case against the applicant along with other accused is that the informant used to run shop of his brother at Majalgaon. They were involved in propaganda against the Sarpanch - Kamalabai during the elections of Grampanchayat. The applicant, who is the son of the Sarpach - Kamalabai was annoyed and in order to harass them assaulted the informant and gave threat to kill them for asking certain information under the RTI Act with regard to the affairs of the Grampanchyat. It is stated that, on 31.08.2024, at about 06:00 to 07:00 p.m., informant along with his brother were sitting in his shop. The applicant along with co-accused came there and assaulted them, due to which the informant suffered various injuries and the applicant and other accused also caused damage to the property. The assault is particularly described in the FIR. As such, the FIR is registered against the applicant and the co-accused. Thus, the applicant applied for anticipatory bail before the Sessions Court, which was rejected and, thereafter, before this court. It is stated in the application that there are no antecedents against the applicant, however, before starting argument it is clarified that there are antecedents. The learned counsel for the applicant submits that there are no injuries caused and that the applicant being a political person he has been roped into the crime.

7] Per contra, the learned APP submits that there

are antecedents against the applicant and that he is a man in power and can exercise his clout on account of political connections and grant of anticipatory bail will prejudice the investigation. The applicant is involved in the crime and that anticipatory bail should not be granted.

8] The learned counsel appearing for the assist to public prosecutor points out order passed in another proceedings against the applicant, wherein the court had discharged him as the warrant was not served upon him, although, the warrant was issued against the present applicant, the same was not served by the State for a long period of time, thus the court has discharged the present applicant. The order passed by the JMFC, Aurangabad in S.T.C.C. No. 4336/2016, below Exhibit -1, dated 31.07.2021 is noted below:

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ORDER BELOW EXH.1

The Hon'ble High Court of Bombay by letter No. B(Gen) 1001/2021/830, dated 16th July, 2021 directed to conduct special drive from 29th to 31st July, 2021. Hence, the instant case has been taken in special drive for appropriate order.

2. This is a summons case instituted upon police report for the offence punishable under section 341, 186, 504 & 506 of I.P.C. Plea of accused could not be recorded as he is absent in the Court since filing of chargesheet. Time to time warrant were issued against the accused however, the police machinery has failed to

secure the attendance of accused or execute the warrant. As such there is no possibility of presence of the accused in near future. Case is too old. Therefore, I am inclined to invoke the powers under section 258 of Criminal Procedure Code, with liberty to the prosecution to revive the proceeding on the arrest or securing presence of accused by showing justifiable grounds. Hence, the following order :

ORDER

- 1. The proceeding is stopped vide section 258 of Criminal Procedure Code.*
- 2. The accused **Sushil Vijaykumar Salunke** is discharged from the section 341, 186, 504 & 506 of I.P.C.*
- 3. The original police papers be retained in “C” file for their use in the event of re-opening the case under Section 300(5) of the Code of Criminal Procedure.”*

9] Considering the prima facie involvement of the applicant in the offence and also considering that another bench of this court was inclined to dismiss the application and yet it is argued before me on change of Roster and considering that there are antecedents against the applicant, although, he was acquitted in one of the case and, one crime is pending and one trial was stopped and the applicant was discharged as no warrant could be served upon him this is not a case for grant of anticipatory bail. The CCTV footage also shown presence and involvement of the applicant. It is also stated that the applicant has taken

the mobile phone from the shop and the mobile phone is surrendered by other accused. However, that in itself would not absolve the applicant as he is prima-facie involved in the offence. No case is made out for grant of anticipatory bail.

10] The Anticipatory Bail Application stands dismissed.

[ARUN R. PEDNEKER]
JUDGE

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