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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

968 ANTICIPATORY BAIL APPLICATION NO. 1875 OF 2023

KAILASH ABASAHEB NARWADE

VERSUS

THE STATE OF MAHARASHTRA

Ms.Medha Patel h/f Mr.Milind Patil, Advocate for the Applicant.
Mrs.M.L.Sangit, APP for the Respondent/State.

(CORAM : ADVAIT M. SETHNA, J.)

DATE : 06 AUGUST 2025

P. C. :

1. Heard the learned Advocates for the respective parties.
2. There are orders passed in this Application from time to time. The last order being the order dated 5 August 2025, wherein the Court has passed certain directions. In compliance with such directions, the Investigating Officer is present before the Court today. At the very outset, this Court has taken note of the order dated 7 November 2023, by which the Applicant was protected with certain terms and conditions set out in paragraph No.6 of the order. As far as the aspect of co-operation is concerned, there is a dispute between the parties.
3. This in as much as the Applicant has filed an affidavit

dated 3 April 2024 categorically stating that after the Applicant was granted interim protection, he has attended the Investigating Officer to state his stand and on 25 November 2023, he was heard in detail by the Investigating Officer for about one and half hours. The conversation took place exactly in front of the CCTV cameras. The said digital record can confirm the said fact. Thereafter, he was never called for. The learned APP, on instructions of the Investigating Officer, who is present in the Court, would state that the Applicant has not appeared before the IO since passing of the interim order. The submission is that there is no entry in this regard in the station diary.

4. In such facts and circumstances, as the affidavit filed by the Applicant is of the year 2024, after which, there is nothing brought on record by the prosecution, the averments in this affidavit would be required to be considered, at this stage of the proceedings.

5. As far as the face of *prima facie* case is concerned, there is nothing adverse brought on record by the Applicant after passing of the order dated 7 November 2023. The learned APP would additionally submit that after the provisional allotment of the said petrol pump in favour of the Applicant, such allotment never materialized. According to her, the fact remains that no such allotment of the said petrol pump

was done in favour of the Applicant. However, the Applicant has clearly shown a document, which is annexed to the application, to show that there was a provisional allotment of the petrol pump in favour of the Informant on 25 November 2018. The fact remains, which is also not disputed by the prosecution that there was a provisional allotment of the petrol pump in favour of the Informant. In fact Ms. Patel would urge that the document of the said HP Petrol Station (at Exh D- page 36) to the Anticipatory Bail Application would clearly indicate that the window period for making Applications was between 25 November 2018 to 25 December 2018. Between this period, the Application of Informant is shown as selected. Thus, the ingredients of offence/s *inter alia*, under Sections 406, 420 in the FIR may not be attracted *qua* this Applicant at this stage. There is substance in such submissions of Ms. Patel that the allegations levelled in the FIR against the Applicant are false.

6. Also, in my view, the order dated 7 November 2023 has been passed after issuance of notice on considering the *prima facie* case after hearing both the Applicant and the prosecution. In the above facts and circumstances, a query was put to the prosecution as to the requirement / necessity of custodial interrogation of the Applicant at

this stage. However, there is no satisfactory response by the prosecution in this regard whether the custodial interrogation would serve the purpose particularly after the Applicant has been protected by an order dated 7 November 2023 and particularly considering the peculiar facts and circumstances of the case, as noted above. The Applicant would reiterate that he would fully co-operate with the investigation. This would be sufficiently taken care of in the order below.

7. Thus in my view, the order dated 7 November 2023 deserves to be confirmed by passing the following order :-

(i) In the event of arrest of the Applicant in connection with Crime No.0132/2023, registered with Shirdi Police Station, Dist.Ahmednagar, for the offence punishable under Sections 34, 406, 420, 465, 467, 468, 471 of the B.N.S., the Applicant is directed to be released on bail on furnishing PR bond in the sum of Rs. 20,000/- (Rupees Twenty Thousand Only) with one solvent surety in the like amount.

(ii) The Applicant shall attend the concerned Police Station and appear before the Investigating Officer on 8 August 2025 (Friday), 11 August 2025 (Monday), 13 August (Wednesday) and then as required by the Investigating Officer until filing of charge-sheet. He shall co-operate with the investigation.

(iii) The Applicant shall furnish the 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 Applicant shall not leave the jurisdiction of the Competent Court without prior permission of the Court, until filing of the charge sheet.

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

8. Needless to mention that the observations made above are *prima facie* for the purpose of adjudication of this Anticipatory Bail Application.

9. The Anticipatory Bail Application is allowed in the above terms.

(ADVAIT M. SETHNA, J.)