



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

41 ANTICIPATORY BAIL APPLICATION NO. 2147 OF 2024

**PARMESHWAR SURYABHAN NAZARKAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

Advocate for Applicant : Mr. V. D. Sapkal, Senior Advocate
i/b. Mr. Sapkal Sandip R. a/w. Mr. Yash A. Jadhav
APP for Respondent/State: Mr. G. O. Wattamwar

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**WITH
CRIMINAL APPLICATION NO. 6 OF 2025
IN ABA/2147/2024**

**KAMALKUMAR JIVANMAL KOTHARI PROPRIETOR OF
ACCURATE ENTERPRISES
VERSUS**

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Vishal Amritlal Bagdiya
APP for Respondent/State: Mr. G. O. Wattamwar

...

**WITH
CRIMINAL APPLICATION NO. 135 OF 2025
IN ABA/2147/2024**

**KAMALKUMAR JEEVANMAL KOTHARI
VERSUS
PARMESHWAR SURYABHAN NAZARKAR AND ANOTHER**

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Advocate for Applicant : Mr. Nagesh Janardhan Sonune
APP for Respondent/State: Mr. G. O. Wattamwar

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 10.02.2025**

P.C. :

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

2] Criminal Application No.6 of 2025 and Criminal Application No.135 of 2025 are partly allowed to the extent of assist to public prosecutor.

3] The applicant is apprehending arrest in connection with Crime No.1082/2024, dated 26.11.2024, registered at MIDC Police Station, Waluj District Chh. Sambhajinagar, for the offences punishable under Sections 310(2), 351(2)(3) of the Bharatiya Nyaya Sanhita, 2023 .

4] This court by order dated 16.12.2024 granted interim protection to the applicant considering the submissions and the reasons at para 3 and 4, as under:

“3] In the instant case the informant has registered an FIR against the applicant along with 18 people including ladies who came in 2-3 vehicles at the MIDC plot, which was purchased by him in auction SARFAESI proceedings and from the spot has taken away Welding Machine, Iron rods, etc. of total value of Rs. 2,45,000/- approximately. The incident is dated 21.11.2024 and the FIR registered on 26.11.2024. The reason for the delay is that the complaint was filed on the same day, however the police failed to register it. As such the

grievance was made to the Superintendent of Police therefrom the FIR is registered.

4] The learned counsel for the applicant has produced a letter dated 03.07.2024 made by the MIDC, Waluj Tal and District Chh. Sambhajinagar to the Presiding Officer Debt Recovery Tribunal calling for various documents at the instance of the application made by the complainant so as to transfer the MIDC plot purchased in auction by the complainant, in his name. The plot admittedly stands in the name of the present applicant. Apparently, there is a prior civil dispute between the parties. The parties are well placed in society and the allegations of theft of goods worth of Rs. 2,50,000/- is little far-fetched. The submission of the counsel that the same is registered only for the purpose of securing the possession of fresh documents from the applicant for the transfer of plot, appears to be possible.”

5] The learned counsel for the applicant submits that in pursuance of the interim order the applicant has cooperated with the investigation.

6] Today, the learned APP submits that against the applicant there is evidence that the applicant was present on the spot at the relevant time. It is stated by the learned APP that there is evidence that said articles were purchased by the informant. The learned APP also submits that there are 9 antecedents against the applicant.

7] The learned counsel appearing for the informant opposes the grant of anticipatory bail to the applicant, however, submits that in the event this court inclines to grant anticipatory bail, stringent conditions may be imposed like the applicant should not commit any similar offence and not to contact the informant or his servants in any manner.

8] The learned counsel for the applicant submits that he would deposit Rs.2,00,000/- towards the value of the goods before the trial court and the trial court may pass appropriate orders on the amount as may be deposited on conclusion of trial.

9] Considering the above and considering the reasons mentioned in the interim order dated 16.12.2024, the same deserves to be confirmed.

10] In view of the above, the interim protection granted by order dated 16.12.2024 stands confirmed, on the following terms:

i] The applicant shall attend the police station as and when required by the Investigating Officer.

ii] The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

iii] The applicant shall co-operate with the investigation and also in the proceedings before the trial Court.

iv] The applicant shall deposit Rs.2,00,000/- before the trial court within four (04) weeks and, the trial court shall keep it in the fixed deposit in any nationalised bank and on conclusion / at the end of the trial pass appropriate orders on dispersal of the amount deposited.

11] In the event, the applicant violates any of the conditions specified in this order, it shall be liable to be cancelled.

12] It is also clarified that the observations made in this order are limited to the disposal of the present anticipatory bail application and the trial Court shall proceed further in the matter without being influenced by the observations made hereinabove.

13] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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