



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

61 ANTICIPATORY BAIL APPLICATION NO. 2202 OF 2024

OM SURYAKANT DHAPATE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. A.R. Hange h/f. Mr. R.G. Hange

APP for Respondents 1 & 2 : Mr. A.A.A. Khan

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CORAM : ARUN R. PEDNEKER, J.

DATE : 17.02.2025

PER COURT :

1. Heard the learned counsel for the applicant and the learned APP for the respondents-State.
2. The applicant is apprehending arrest in connection with Crime No. 224/2024 dated 17.10.2024 registered with Beed City Police Station, District Beed for the offences punishable under sections 189(2), 333, 221, 223 of B.N.S. 2023.
3. This Court by order dated 27.12.2024 has granted interim protection to the applicant by noting the submissions and reasons in para 3 to 5, as under :-

"3. Learned Counsel for the Applicant submits that out of four offences, only offence under Section 333 of BNS Act is non-bailable. However, in the instant case, the said offence is not at all attracted. He has pointed out the allegations in the FIR to buttress his submission. He has also submitted that this Court has already confirmed anticipatory bail in favour of other four accused persons by order dated 12th December 2024 in Anticipatory Bail Application No.2014 of 2024. It is submitted that the role attributed to this Applicant is identical to the role which is attributed to the four Applicants in the said bail application. He prays for grant of similar protection on the ground of parity.

4. Mr. Dande, learned APP opposes the bail application by pointing out that the Applicant along with other accused persons have pretended themselves to be police officials and have entered the police station forcibly. He would submit that it is necessary to ascertain the exact role played by the Applicant and, therefore, opposed the application.

5. Perusal of FIR shows that the role attributed to the Applicant is similar to the role which is attributed to the other accused persons. In view of grant of anticipatory bail to the other accused persons by order dated 12th December 2024 in Anticipatory Bail Application No.2014 of 2024, I am of the view that the Applicant also deserves protection till the returnable date. Hence, the following order is passed:-"

4. The learned counsel for the applicant submits that in pursuance of the interim order of this Court, the applicant has attended the police station and has cooperated with the investigation. The learned counsel for the applicant submits that other co-accused are granted anticipatory bail by this Court vide order dated 12.12.2024 in ABA 2014/24 and prays to confirm the interim protection granted in favour of the applicant.

5. The learned APP submits that the applicant is not the police officer, but the person entered in the police station along with police officers.

6. Considering the fact that the present applicant has accompanied the police officer while entering the police station and the anticipatory bail has been granted to other co-accused and the applicant has cooperated with the investigation after granting interim protection, I hold that custodial interrogation of the applicant is not necessary. In view of the above, the interim protection granted on 27.12.2024 can be confirmed on the following terms :

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

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.

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

8. 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.

9. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/