



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 161 OF 2025

Dattatray Ganpat Kasar
Versus
The State of Maharashtra & Anr.

Mr. M. A. Dond, Advocate for Applicant.
Mr. R. S. Wani, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 18 JUNE 2025

P C.:-

1. This is an application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) as the applicant in the present proceedings apprehends arrest.
2. These proceedings arise out of CR/FIR No.1136 of 2024. The FIR is lodged on 4 December 2024 at 20.20 hrs by the Shrirampur City Police Station, Dist. Ahilyanagar. The date of the alleged incident as stated in the FIR is from 24 November 2024 to 4 December 2024. The FIR has been registered under Sections 204, 318(2), 319, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).
3. The present applicant, occupation – labour, is one Dattatray Ganpat Kasar (full name not disclosed in FIR). The complainant is one Yogesh

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Fakirchand Devkar (“**Complainant**”) who has filed the complaint on 4 December 2024 reporting the alleged incident.

4. The complainant is the resident of Nipani Wadgaon, Shrirampur, Dist. Ahilyanagar. He runs business in the name and style of “Bhairavnath Milk Collection Centre” (“**Milk Collection Centre**”) from the given address.

5. On 24 November 2024, one Creta vehicle bearing No.MH-05BS-1507 arrived at the said centre along with four persons who alighted from it. They disclosed their identities as food and drugs officer. One of them being the present applicant i.e. Kasar showed his identity card.

6. The said persons took search of the diary and collected the milk sample. They did not find anything objectionable during such search. One of the persons having slim physique, picked up a bag with fertilizer-manure from the agricultural service centre next door and took photographs along with a video recording of it. Thereafter, all the four persons started demanding money from the complainant by threatening that if such money is paid, they will not take any legal action against him. Initially, a demand of Rs.5,00,000/- was made from the complainant by the said accused persons.

7. The complainant refused to cater to such demand as the amount was huge and was not available with him. After some discussion, the accused persons settled the demand at Rs.40,000/- which was paid by the

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complainant to them. Thereafter, the said four accused persons left the said premises. While leaving the milk centre, one of the accused persons gave the complainant his mobile number, by stating his name to be Sathe.

8. Thereafter, the complainant revealed that one dairy owner of Ashok Nagar, namely, Popat Vilas Jaybhaye and another dairy owner of Koregaon, namely, Suresh Ramesh Patare have also been cheated by the accused persons by grabbing Rs.50,000/- and Rs.68,000/- in the same manner under the threat of taking legal action against them. On 4 December 2024, one of the accused persons, who was recognized as Dattatray Vasantrao Sathe and four persons had paid visit to the dairy owner at Malunja, namely, Ravindra Vitthal Borude personating as food and drugs officer and demanded money under the threat of legal action, however, two of them were apprehended. The remaining accused persons fled away. Out of them, the complainant identified Dattatray Vasantrao Sathe and Arun Dadasaheb Phule at the Belapur Police Chowki, to whom the complainant had paid money under the threat of legal action. Accordingly, a complaint was registered against all the accused persons.

9. Pursuant to such complaint, accused no.1 i.e. Dattatray Vasantrao Sathe got arrested and subsequently was released on regular bail.

Submissions:-

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10. The applicant would first submit that there is no specific role attributed to the applicant in the FIR. He is not the main accused in the present proceedings. His complete name is not disclosed in the FIR though it was lodged after considerable delay. There is no explanation for such delay. This applicant has been released on interim bail on 31 January 2025. Such orders protecting the applicant have been continued from time to time. The applicant has been sincerely attending the police station as and when directed and/or called for. He has assisted the investigating officer (“IO”) in the investigation. The other co-accused person, namely, Dattatray Vasantrao Sathe has been already enlarged on bail. The alleged offences as stated in the FIR except Section 204 of the BNS, all others are bailable. In such facts and circumstances, there is no necessity of custodial interrogation of the applicant and hence the present Application ought to be allowed.

11. Mr. Wani, learned APP on the other hand would vehemently opposed the Application. He would submit that as noted in the FIR there is a syndicate of persons who are impersonating as food and drug officers and defrauding people. The forged identity card of such accused persons is in the possession of the present applicant which is to be recovered. These are premediated offences by a syndicated persons who have collected huge sum of monies from innocent victims styling themselves as food and drug officers.

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He would submit that investigation is under way. The amounts are yet to be recovered. The said vehicle which was used in such operation, for committing the alleged offences by preparing false identity card is also to be recovered, which according to the applicant has met with an accident. In such circumstances, custodial interrogation of this applicant is required. The anticipatory bail application thus, deserves to be rejected.

Findings:-

12. The Court finds that the FIR in the said proceedings dated 4 December 2024 pertained to an incident from 24 November 2024 to 4 December 2024. The name of the present applicant is not fully disclosed in such FIR. It appears that except Section 204 of the BNS, the other Sections in the FIR in respect of the alleged offences, are bailable. In this context, the learned APP would submit that Section 318(4) could apply against the applicants which prescribes for punishment upto 7 years making the offence cognizable and non-bailable. However, the said Section is admittedly not invoked in the FIR or even thereafter. The present applicant is protected by *interim* order of this Court dated 31 January 2025, under which he is released on interim bail, which is continued thereafter. Pursuant thereto, he has attended the Shrirampur City Police Station on 24 and 25 March 2025, which is not disputed by the prosecution. On the identification parade conducted on

24 February 2025, when the applicant was present at the police station, he was duly identified. It is pertinent to note that the alleged offence being committed by not just the applicant, but together with three other accused persons, who have been named in the FIR, the co-accused in the name of Dattatray Vasantrao Sathe has been enlarged on regular bail in respect of the same alleged incident in the same CR/FIR. It is stated in the FIR that on 24 November 2024, it is the said person i.e. Dattatray Vasantrao Sathe, who is specifically named as the person who allegedly took money from the complainant. In my *prima facie* view the role of the present applicant and the other persons is not different and allegations seem to be general in nature. It appears that the investigation has sufficiently progressed. In my *prima facie* view the applicant in the given facts and circumstances has made out a *prima facie* case for the grant of anticipatory bail in such factual matrix. The Court is fully conscious of the fact that the wheels of the investigation ought not to be halted, for which custodial interrogation may not be required in every case. It is fundamental to safeguard the liberty guaranteed under Article 21 of the Constitution of India. Though the said vehicle and/or the stolen cash are yet to be recovered, as investigation has substantially progressed, as noted above, this alone may not mandate custodial interrogation of the applicant in the given factual complexion, who has in the given facts, *prima facie* shown

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willingness to join the investigation. It is pointed out to the Court that there are no criminal antecedents against the applicant.

13. Thus, I am of the view that the applicant has made out a prima facie case for grant of anticipatory bail application. In the given set of facts and circumstances custodial interrogation of the applicant is not necessary or expedient. The following order would thus meet the ends of justice:-

ORDER

- (i) In the event of arrest of the applicant in connection with C.R. No. 1136 of 2024 registered with Shrirampur City Police Station, Dist. Ahilyanagar for the offences punishable under Sections 204, 318(2), 319, 3(5) of the BNS, the applicant is directed to be released on bail on his 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 cooperate with the investigation. He shall attend the concerned police station on every Monday at 11.30 a.m. until further orders of the Court.
- (iii) The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the

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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 Court without prior permission of the Court.

(v) The applicant shall not interfere with the evidence and shall not tamper with the prosecution witnesses in any manner whatsoever.

14. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.

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

(ADVAIT M. SETHNA, J.)