



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 835 OF 2025

Krushna @ Satish Kaduba Gothe
Versus
The State of Maharashtra & Anr.

Mr. S. J. Salunke h/f Mr. R. B. Gite for the Applicant.
Mr. A. V. Lavte, APP for the State.

CORAM : ADVAIT M. SETHNA, J.
DATE : 25 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 No.0147 of 2025. The FIR is
lodged on 7 April 2025 at 02.15 hours by the Satara Police Station,
Chhatrapati Sambhajanagar. The date of the alleged incident as stated in the
FIR is 6 April 2025. The FIR has been registered under Sections 61(2),
310(2), 3(5), 140(1), 127(2), 118(1), 115(2) and 109 of the Bharatiya
Nyaya Sanhita, 2023 (“**BNS**”) and under Sections 3 and 25 of the Arms Act,
1959.

Case in FIR:-

3. It is the case of the prosecution that on 6 April 2025 at about

2.00 to 4.00 p.m., accused persons on the count of tender work, forcibly caused the informant to sit in their Car No.MH-20-EY-111-, from Hotel Sai Swaraj, Beed Bypass and took him to their office at Sudhakar Nagar and wrongfully confined him at said place and also beaten him by means of cable, rod and slaps. Accused No.1 pointed pistol on his head and threatened to kill him and also snatched his golden chain worth Rs.2 lakhs and also caused the informant to handover laptop and mobile of his friend Abhijeet @ Bunty Barde and thereafter, with the help of the informant, accused persons kidnapped his friend Abhijeet @ Bunty Barde, beat and threatened him to kill and on next day, in the morning at 4.30 a.m. released him at Deolai Chowk and threatened him to kill if he informs anybody about it. Accordingly, he lodged the complaint against accused persons and crime came to be registered for the aforesaid offences against accused Nos.1 to 5 and 10-15 unknown persons and thus, accused Nos.1, 3 to 5 came to be arrested in connection of this crime. During investigation, during remand proceedings, the name of the present Applicant came to light as one of those unknown persons and thus, he has been added as accused No.7 in this crime.

Submissions:-

4. Mr. Salunke, learned counsel for the Applicant would at the very outset draw reference to FIR dated 7 April 2025. He would submit that the present Applicant is nowhere named in the FIR much less no role is

attributed to him. He would submit that he has been arrayed in the matter as an accused in the third remand report dated 13 April 2025 for the first time. He would draw the Court's attention to such remand report (page 24 of the application), where the name of the Applicant-accused appears i.e. Satish Gothe. However, he would submit that even in the said report, except for the Applicant's name, his role is nowhere attributed in the said crime. In such circumstances, in the absence of any role, he would submit that no custodial interrogation can be ever warranted in such facts and circumstances and this is a fit case for the grant of anticipatory bail.

5. Mr. Lavte, learned APP on the other hand would oppose the application. The prosecution would not dispute the fact that there is no role attributed to this particular Applicant/accused in the FIR. It is not in dispute that the Applicant's name has been added in the FIR dated 13 April 2025. Even in such proceedings, no specific role is attributed to the Applicant. The prosecution would submit that he has been arrayed as accused on the basis of a statement of one of the co-accused person, which has been recoded during the investigation. Mr. Lavte would fairly submit that the offending vehicle and the alleged weapons have also been recovered. However, learned APP would add that one vehicle i.e. one Skoda car is yet to be recovered. It is not disputed that as far as the present Applicant is concerned, he has no role as far as the offending vehicle and/or weapons are concerned. However, Mr. Lavte would submit that to facilitate the

investigation, custodial interrogation of the Applicant may be required.

Findings:-

6. Heard learned counsel for the parties. With their assistance, perused the record. It is clear as crystal from the FIR that the present Applicant is not named in the FIR. There is no role attributed to the Applicant. It is also not in dispute that the Applicant's name has been arrayed in the remand proceedings. In those proceedings also, apart from mentioning the Applicant's name, there is no role attributed to him. It appears that the Applicant has been arrayed as accused as a result of statement of co-accused. There is complete recovery of the vehicle and alleged weapons except one Skoda car, with which this Applicant is not concerned as submitted before the Court. In such facts and circumstances, in my view, a *prima facie* case for grant of anticipatory bail has been clearly made out by the Applicant. This is not a case where custodial interrogation of the Applicant is required and/or necessary. Thus, the following order, in my view, would meet the ends of justice:-

ORDER

- (i) in the event of arrest of the Applicant in connection with C.R. No. 0147 of 2025 registered with Satara Police Station, Chhatrapati Sambhajnagar for the offences punishable under Sections 61(2), 310(2), 3(5), 140(1), 127(2), 118(1), 115(2) and 109 of the BNS and Sections 3 and 25 of the Arms Act,

1959, 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 or more sureties in the like amount.

- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when called by the Investigating Officer of the Satara Police Station, Chhatrapati Sambhajnagar.
- (iv) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (v) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court.
- (vi) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

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

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

[ADVAIT M. SETHNA, J.]