IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 891 OF 2025

Shyam S/o. Mohan Taware ..... Applicant

VERSUS

State of Maharashtra ..... Respondent

ALONGWITH
INTERIM APPLICATION (ST) NO. 7219 OF 2025
IN
ANTICIPATORY BAIL APPLICATION NO. 891 OF 2025

Yuvraj Kondiba Sarwade ..... Intervener

IN THE MATTER BETWEEN

Shyam S/o. Mohan Taware ..... Applicant

VERSUS

State of Maharashtra ..... Respondent

Mr. Ganesh Bhujbal for the Applicant.

Mr.Amit A. Palkar, A.P.P. for the State.

Mr.Hrishikesh S. Shinde for the Intervener.

CORAM : RAJESH S. PATIL, J.

DATE : 2nd APRIL, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Crime No. 0123/2025 dated 10th March, 2025 registered with Jail Road Police Station, Solapur City for the offence punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860.

2. On the complaint filed, an FIR has been lodged. The role of the present applicant has been mentioned in the FIR.

3. It is submitted on behalf of the applicant that the present applicant is the son of the main accused who is alleged to have the business transaction with the first informant regarding starting a joint liquor business wherein the capital was to be invested by the first informant.

4. It is also alleged that the monies were transferred by the first informant in the account of the father of the present applicant. Admittedly, no monies were transferred in the bank account of the present applicant. The only allegation is that the present applicant being the son, used to help his father in conducting the business. The applicant is not at all involved in the crime. Therefore, the custody of the present applicant is not at all necessary. The applicant is ready to co-operate with the police.

5. The learned counsel for the first informant submits that a huge

sum of Rs.1,52,00,000/- was transferred by the first informant to the account of the father of the present applicant, for the purpose of conducting a joint liquor business. The applicant being the son and his father, both have jointly involved in the transaction. MOU was entered into between the first informant and the father of the applicant wherein the present applicant was a witness to the said document. Therefore, the present applicant wholly is aware of the transaction. Both the father and the son together had preferred bail application before the Sessions Court. Application of both of them was rejected. However, the father (Mohan Taware) has not as of now preferred any application for pre-arrest bail before this Court. The custody of the present applicant would be necessary in order to find out where the amount of Rs.1,52,00,000/- has gone.

6. I have heard learned counsel for both the sides and with their help, I have gone through the documents on record.

7. Admittedly, an amount of Rs.1,52,00,000/- as per Say of the first informant has gone into the bank account of the father of the present applicant. No monies have been received by the present applicant.

8. As far as the MOU is concerned, even the said document is

entered into between the first informant and the father of the present applicant. For the applicant, it is submitted that he is the witness to the said MOU.

9. In my view, the witness cannot be hold liable for the transaction between two parties and at the most it was a MOU which is just an understanding between the parties. No monies have been received in the account of the present applicant. The applicant has no antecedent as of today.

10. According to me, a case is made out for grant of pre-arrest bail application. Hence, the following order :-

ORDER

(a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with Crime No. 0123/2025 dated 10th March, 2025 registered with Jail Road Police Station, Solapur City for the offence punishable under Sections 406, 420 read with 34 of the Indian Penal Code, 1860, the applicant shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- with two or more sureties of the like amount.

(c) The applicant shall co-operate with the investigation and attend and meet the Investigating Officer of the concerned Police Station, as and when called.

(d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicant shall furnish details of his residential addresses, contact numbers and e-mail addresses to the Investigating Officer.

11. Needless to say, violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of anticipatory bail. It is clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court shall proceed further, without being influenced by the observations made in this order.

12. **The anticipatory bail application is disposed of**.

13. In view of disposal of the anticipatory bail application, **interim application is also disposed of**.

[RAJESH S. PATIL, J.]