

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO.956/2025

RANI @ VIDYARANI BASAVRAJ PATIL	...APPLICANT
VS	
STATE OF MAHARASHTRA	...RESPONDENT

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Adv. Satyavrat Joshi a/w Samay Pawar for the Applicant.
Adv. Avinash A. Naik, APP for the Respondent State.

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CORAM : RAJESH S. PATIL, J.
DATED : APRIL 16, 2025

P.C.:

1. This is an application filed by the applicant under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for granting pre-arrest bail in connection with Crime No. 74/2025, registered with Barshi City police station for the offences punishable under Sections 3(a), 6(a) of Passport (Entry in to India) Rules 1950, under Section 3(1) of Foreigners Act 1948, under Section 14 of Foreign Citizens Act 1946, under Sections 318(4), 336(3), 338, 3(5) of Bharatiya Nyaya Sanhita, 2023.

2. As per the complaint filed, an FIR has been lodged. The role of the present applicant has been specifically mentioned in the FIR. The present applicant is shown as accused no. 8 in the FIR.

3. The learned counsel for the applicant submits that the name of the present applicant has not been specifically mentioned in the FIR. Only a name “Rani” has been mentioned. The name of the present applicant though is “Rani @ Vidhyarani Basavraj Patil”, her name has not been mentioned in the FIR. The present applicant has no role in the offence which is registered by the police. The applicant is ready to co-operate with the police. Therefore, the custody of the present applicant would not be necessary.

4. The learned APP submitted that in the FIR, it has been specifically mentioned that three of the accused Mr. Vishal Mangade, present applicant and Kiran Paranjpe have helped the Bangladeshi citizens who are accused nos. 1 to 6 to reside at Barshi Town, Maharashtra. The said Bangladeshi citizens have specifically disclosed the name of the present applicant and of Vishal Mangade and Kiran Paranjpe as the persons, who have helped them to reside at Barshi Town, Maharashtra. So also, the APP relied upon the statement recorded of the house owner Ms. Gaikwad in whose house the Bangladeshi citizens were residing. Ms. Gaikwad specifically stated that three of the accused persons Vishal Mangade, present applicant and Kiran Paranjpe are the persons who, have helped the Bangladeshi citizens to reside in the house of Ms. Gaikwad.

5. It is further submitted that the investigation is in progress.

The present applicant, Vishal Mangade and Kiran Paranjpe are absconding from date of registration of the FIR. The Anti Terrorism Wing are trying to search the location of all the three accused persons. As far as the Bangladeshi citizens are concerned, they have been arrested and are behind bars. The custody of the present applicant would be necessary to reveal a bigger conspiracy of how may more Bangladeshi citizens are being helped by the present applicant, to illegally stay in this Country.

6. I have heard the counsel for both the sides and have gone through the documents on record including the FIR.

7. The name of the present applicant specifically mentioned in the FIR as the person, who helped the accused no.2, who is Bangladeshi citizen residing in Barshi Town, Maharashtra. The land lady of the premises in which the Bangladeshi citizens were residing has also named the present applicant along with Vishal Mangade and Kiran Paranjpe as persons, who are helping the Bangladeshi citizens, to illegally stay in Barshi Town, Maharashtra. The FIR has been lodged on 16 January 2025. Though the Bangladeshi citizens have been arrested and are behind bars, the present applicant along with Vishal Mangade and Kiran Paranjpe are absconding from that day. The investigation is in preliminary stage. If the present applicant is granted pre-arrest bail he is likelihood to pressurize the witnesses and much likelihood to repeat the

crime.

8. The Supreme Court in case of *Sumitha Pradeep vs. Arun*

*Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

9. A similar view has been taken by the Supreme Court in the

case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as

under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very

1 2022 SCC Online SC 1529

2 AIR OnLine 1997 SC 797

often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

10. Considering the law laid down by the Supreme Court and the gravity of the offence where the present applicant is alleged to be helping the Bangladeshi citizens to illegally stay in this country, in order to complete the investigation, the custody of the present applicant is necessary. Hence, the **anticipatory bail application stands rejected.**

(RAJESH S. PATIL, J.)