

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2727 OF 2024

1. Rajaram Pandurang Barche
  2. Dhondiram Suryabhan Phale
- ...Applicants

**Versus**

The State of Maharashtra

...Respondent

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- Ms. Sakshi Mane i/b Zalte, for the Applicant.
- Mr. P.P. Deokar, APP for Respondent.
- Mr. D.r. Khade, H.C., Baramati City Police Station.

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**CORAM : MANISH PITALE, J.**

**DATE : 03<sup>rd</sup> FEBRUARY, 2025**

**P. C. :**

1. Heard learned counsel for the applicants and the learned APP for the respondent – State.
2. In this application, on 09<sup>th</sup> October, 2024, this Court granted interim relief in favour of the applicants, subject to conditions, including a direction that they shall remain present before the Investigating Officer on 11<sup>th</sup> October, 2024 and 12<sup>th</sup> October, 2024, and thereafter as and when called.
3. The learned counsel for the applicants submits that the said direction was abided and that the applicants have cooperated with the investigation. On the other hand, the learned APP submits that although the applicants have remained present before the Investigating Officer, but they have not cooperated with the investigation.

4. While granting interim relief to the applicants, in the order dated 09<sup>th</sup> October, 2024, this Court made following observations.

“6. While the present application can be kept pending and since the applicants have undertaken to cooperate with the investigation, this Court is inclined to grant interim relief to the applicants for the following reasons :

- (i) The statement of the informant itself indicates that the amount of ₹ 4 Lakhs was actually given to accused No.2.
- (ii) The allegations against the applicants appear to be limited to they being in touch with the co-accused persons. After the incident of theft, there is an allegation that one of the applicants threatened the informant not to approach the police or raise any grievance for the reason that the accused persons had connections in high places.
- (iii) Even according to the informant, the first occasion on which he approached the police on 13.10.2023, which is about 3 ½ months after the alleged incident.
- (iv) The applicants have undertaken to cooperate with the investigation.”

5. This Court has again considered the statement of the informant, leading to registration of the FIR, along with statements of other witnesses brought to the notice of this Court. Although it is stated that the applicants

have not cooperated with the investigation, this Court is of the opinion that cooperation ought not to mean admission of guilt by the accused persons.

6. The material on record at this stage, does not indicate as to in what manner the applicants could be said to be beneficiaries of the acts alleged against all the accused persons. The tenor of the allegations indicates that the co-accused Geeta, Santosh and Sunita appear to be the main accused persons. Since the applicants have undertaken to further cooperate with the Investigating Officer and to remain present as and when called, this Court is inclined to make the interim order absolute.

7. In view of the above, the interim order dated 09<sup>th</sup> October, 2024, is made absolute and the application is allowed, subject to the applicants further remaining present before the Investigating Officer as and when called, They shall cooperate with the investigation. They shall not tamper with the evidence and they shall not influence the first informant, witnesses or any other persons concerned with the case.

(MANISH PITALE, J.)