

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO. 3222 OF 2024**

Abhijeet Shivajirao Yadav	...	Applicant
vs.		
The State of Maharashtra	...	Respondent

**WITH
INTERIM APPLICATION NO. 4984 OF 2024
IN
ANTICIPATORY BAIL APPLICATION NO. 3222 OF 2024**

Mr. Satyavrat Joshi (through video-conferencing), i/b. Ms. Sakshi S. Mane for applicant.

Mr. Avinash A. Naik, APP for respondent-State.

Ms. Aruna Pai, i/b. Mr. Mahendra Agavekar for applicant-intervenor in IA/4984/2024 (first informant).

Mr. R. S. Garje, API, Bhuinj Police Station, District Satara.

**CORAM : MANISH PITALE, J.
DATE : 03rd FEBRUARY, 2025**

P.C. :

. Heard Mr. Joshi, learned counsel for the applicant, Mr. Naik, learned APP for the respondent-State and Ms. Pai, learned counsel for the intervenor (first informant.)

2. On 02.12.2024, this Court granted interim relief in favour of the applicant with a specific direction to appear before the investigating officer on 05.12.2024 and thereafter, as and when called.

3. The learned APP, on instructions, submits that although the applicant did appear before the investigating officer on 05.12.2024,

he has not remained present thereafter, before the investigating officer, despite being called.

4. On the contrary, the learned counsel for the applicant submits that the applicant has co-operated with the investigation. It is emphasized that the applicant is suffering from cancer and documents to that effect have been filed alongwith the application. It is further submitted that this Court took into consideration the aspects of the matter, which have been emphasized by the learned APP today in respect of the Call Detail Records (CDRs) and CCTV footage, etc. and despite the aforesaid aspects being highlighted on 02.12.2024, this Court had granted interim protection to the applicant.

5. The learned APP invited attention of this Court to the investigation papers. He submits that other than two accused persons, specifically stated in the FIR, including the applicant, a third accused person viz. Pankaj Mole has been arraigned as an accused. He is the cousin of the applicant and his statement further brings out incriminating material against the applicant. Attention of this Court is specifically invited to the documents, showing that a particular sim card is in the name of the son of the applicant. It is submitted that the investigation has revealed that the phone concerned with the said sim card, was tracked as having moved from Kolhapur to the spot where, according to the investigating authority, the cash amount of ₹ 1.40 crores was handed over to the applicant by the co-accused person. The relevant portion of the CDRs is relied upon to indicate that the location of the said phone is found alongwith another mobile phone, which, according to the investigating authority, was handed over by the applicant to the co-accused person. The statements of the

witnesses are on record to show as to how the applicant obtained the sim card used in the other mobile phone. The statement of the cousin of the applicant, who is now arraigned as an accused, shows that according to him, the applicant had asked his cousin to drop him at a particular place in the intervening night of 16.10.2024 and 17.10.2024.

6. It is to be noted that as per the first informant, the driver i.e. the co-accused person engaged by him had carried the aforesaid cash amount from Pune and he was supposed to bring it back to the first informant at Kolhapur. The co-accused person gave an impression that midway through the journey from Pune to Kolhapur, the police started chasing him and he had to take the vehicle to a service lane. In panic, he abandoned the vehicle and ran away. When he came back, he found that the cash amount was removed from the vehicle. Upon being arrested, the said co-accused (driver) gave specific statement about the involvement of the applicant in the said incident.

7. This Court has perused the statements of the witnesses recorded during the course of investigation, in conjunction with the CDRs and tracking reports of the mobile phones. The aforesaid material does indicate that the investigating authority has made all efforts to get to the bottom of the matter. There is hardly any reason to indicate as to why the applicant could have been present at about 01:10 a.m. at the place of the incident, as there is nothing to indicate that he was on duty and sent to the said location for any investigation or otherwise. It is relevant that the applicant himself is a constable with the State-CID.

8. The emphasis placed on the fact that there are documents on record to show that the applicant is a cancer patient in itself cannot be a ground to seek anticipatory bail. Despite the observations made in the order dated 02.12.2024, which were necessarily preliminary observations made by this Court, the material now brought to the notice of this Court, particularly the statements of the witnesses, indicating the manner in which the sim card was obtained by the applicant for the phone used by the co-accused person, shows that the interim relief granted in favour of the applicant, cannot be continued. It is also specifically stated by the learned APP, on instructions, that the applicant appeared before the investigating officer only once and thereafter, did not appear before the investigating officer, despite being called.

9. In view of the above, the application is dismissed. The interim order dated 02.12.2024 is vacated.

10. In view of the anticipatory bail application being dismissed, the intervention application is also disposed of. It is made clear that the observations made hereinabove are only for the purpose of deciding the anticipatory bail application.

(MANISH PITALE, J)

Priya Kambli