

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL (ST) NO. 26525 OF 2024
WITH
INTERIM APPLICATION NO. 5306 OF 2024
IN
CRIMINAL APPEAL (ST) NO. 26525 OF 2024

Sanjay Balkrushna Gaikwad

... **Appellant**

Versus

State of Maharashtra & Anr.

... **Respondents**

Mr. Kuldeep S. Patil *a/w Mr. Ashish Kumar Shrivastava i/b Saili Dhuru for the Appellant.*

Mr. Ajay S. Patil, *APP for Respondent / State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 7 FEBRUARY 2025.

P.C. :

1) The Interim Application is filed seeking condonation of delay of 75 days in filing the criminal Appeal. For the reasons pleaded in the application so also the nature of order that is proposed to be passed in the main Appeal, the delay in filing the Appeal is condoned. The Interim Application is **disposed of**.

2) This Appeal is filed under the provisions of section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (**SC & ST Act**) challenging the order dated 1 July 2024 passed by the Additional Sessions Judge, Mangaon Raigad, rejecting application filed by the Appellant for grant of anticipatory bail under Section 438 of the Code of Civil Procedure in connection with C.R No.100 of 2024 registered with Mangaon Police

Station under sections 420, 323, 504, 506 read with Section 34 of the Indian Penal Code, Sections 3(1)(r)(s), 3(1)(z) and 3(2)(va) of the SC & ST Act.

3) I have heard Mr. Kuldeep Patil, the learned counsel appearing for Appellant and Mr. Ajay Patil, the learned APP appearing fr Respondent No.1-State.

4) Mr. Kuldeep Patil would rely upon order dated 27 November 2024 passed by this Court granting anticipatory bail in favour of co-accused Devendra Pandurang Gaikwad in Criminal Appeal No. 964 of 2024. However perusal of the said order would indicate that the primary factor, which weighed with the mind of this Court for grant of anticipatory bail was non-receipt of any amounts by Devendra Pandurang Gaikwad from the complainant. So far as the present Appellant is concerned. It is an admitted position that he has received an amount of Rs.8,00,000/- from the complainant. Mr. Kuldeep Patil would submit that out of the received amount of Rs.8,00,000/-, an amount of Rs.7.29,00,000/- has already been refunded to the complainant and that the Appellant is willing to deposit the balance amount in this Court. Since the Appellant is a beneficiary of certain portion of amount involved in the crime, he cannot claim parity with the other accused Devendra Pandurang Gaikwad. His custodial interrogation would be necessary for completing the investigations. It appears that the Appellant is also sought to be arrested in connection with other crimes. In my view, therefore, no case is made out for grant of pre-arrest bail to the Appellant in the present case. The Appeal is accordingly **dismissed**.

[SANDEEP V. MARNE, J.]