

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.125 OF 2025

The State Of Maharashtra	...Applicant
Vs	
Prashant Murlidhar Koratkar And Anr	...Respondents

Mr. H. S. Venegaonkar, PP a/w. Mr. Ajay S. Patil, APP, for the Applicant.

Adv. Saurabh Ghag (Through VC) , Adv. Divya Bhatia a/w. Adv. Siddhant Raul, Advocate for Respondent No.1.

Adv. Asim Sarode a/w. Adv. Shriya Awale, Advocate for Respondent No.2/Original Complainant.

Mr. Santosh Madhukar Galave, Juna Rajwada Police Station present.

CORAM : RAJESH S. PATIL, J.

DATED : 11 MARCH 2025

P.C.:

1. The present Criminal Application has been filed by the State, alleging that the order dated 1 March 2025, passed by the Additional Sessions Court at Kolhapur, was passed without hearing the prosecution. The prosecution submits that the anticipatory bail application was filed on 1 March 2025 before the Sessions Court at Kolhapur, but copy of the anticipatory bail application was not served on the prosecution. On the same day, the matter was moved urgently at 5:30 p.m., and by 6:00 p.m., an order was passed granting certain

protective reliefs in favor of the applicant therein/Respondent No.1 herein.

2. The prosecution further submits that the matter has now been posted before the Sessions Court, Kolhapur, today at 2:30 p.m. for hearing. The State is objecting to the impugned order, on the ground that certain observations are made by the Sessions Court without allowing them an opportunity to be heard.

3. Mr. Venegaonkar, PP further submits that as per the directions given by the Sessions Court in its order dated 1 March 2025, in the operative part of paragraph No. 5, the applicant therein was directed to surrender his mobile handset. However, instead of personally surrendering his handset, the applicant sent the mobile through his wife. Upon examination by the concerned officer, it was found that the handset surrendered contained no data, and everything appears to be deleted.

4. In light of the above, Mr. Venegaonkar submits that the physical custody of the applicant is necessary for conducting a proper investigation and recovering any deleted data which may be crucial. It is further contended that the manner in which handset was surrender raises serious concern about the conduct of the accused and gives a doubt about tampering evidence and non compliance of the directions.

5. Mr. Ghag, the learned advocate appeared for the respondent no.1 through video conference, however, due certain technical issue I could not hear him. However, his assistant, Advocate Mr.Sidhant Raul made his submissions on behalf of respondent No.1. He submitted that since the matter is being heard by the Additional Sessions Court today, the present Criminal Application is not maintainable.

6. Even Mr. Asim Sarode, advocate for the informant submits that informant was also not heard before the impugned judgment was passed by the Additional Sessions Court, Kolhapur.

7. Mr. Venegaonkar, PP fairly states that although the State is aware the mater has been listed today for hearing before the Additional Sessions Court, therefore, this application has been moved only for the limited purpose specifically highlighting that the State was not heard, and more particularly in the light of the observations made in the paragraph no.4 of the order dated 1 March 2025, for which the State has serious objections.

8. Taking into consideration the fact that today matter has been placed before the Additional Sessions Court for hearing at 2.30 p.m. This court expects that the Additional Sessions Court would hear all the parties and would pass an order in accordance with law. This Court has not gone into the merits of the issue, the Additional Sessions Court will

decide the matter on its own merits without being influenced by any observations made herein.

9. In that view of the matter, the present Criminal application stands disposed of.

(RAJESH S. PATIL, J.)