

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.109 OF 2025

Mahesh Jaganath Salvi

.. Applicant

Versus

The State of Maharashtra

.. Respondent

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- Mr. Vinay Bhanushali a/w. Sanmit Vaze, Advocates for Applicant.
- Mr. Balraj B. Kulkarni, APP for Respondent – State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : JANUARY 14, 2025

P.C.:

1. Heard Mr. Bhanushali, learned Advocate for Applicant and Mr. Kulkarni, learned APP for Respondent – State of Maharashtra.

2. This is an Application under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 seeking Anticipatory Bail in connection with First Information Report No.1601 of 2024 (for short '**FIR**') registered with Kalwa Police Station.

3. Applicant before me is a political activist / worker. Equally, Complainant is also a political activist / worker. Both of them belong to different fractions of a political party. Allegation is of kidnapping for ransom as alleged by Complainant in FIR lodged on 22.11.2024 under Sections 3(5), 61(2) and 140(2) of Bharatiya Nyaya Sanhita, 2023.

4. Date of incident is the day of election / polling day of

recently held elections on 20.11.2024. At the outset, delay in filing FIR itself is noted by Court since the Complainant was released according to FIR by his abductors within a couple of hours from the time at which he was picked up. According to FIR, Complainant alongwith his three friends namely Rajesh Singh, Rakesh Singh and Arvind Dubey were standing outside the polling station after casting their votes when he states that he spotted Applicant standing across the road. At that time, one white Mahindra XUV car with three persons came on the incident spot and abducted the Complainant and one of the persons therein called Santosh confined him to a place in Kasarvadavali which is approximately eight kilometers away from the spot of incident.

5. Complainant has identified the persons who got down from Mahindra XUV car, spoke to him and thereafter the Complainant accompanied the person in the Mahindra XUV car as one – Santosh who is known to Applicant before me. Complainant was released after one hour by the same persons and and dropped near Thane Central Prison which is at a distance of one kilometer from the spot of incident.

6. The dichotomy that can be seen is the version of Complainant as stated in the FIR and Remand note which has been read out by Mr. Kulkarni, learned APP appearing for Respondent – State of Maharashtra. Mr. Kulkarni has read that it has been seen in the CCTV Camera that when the white Mahindra XUV car arrived at

the spot of incident, the person known as Santosh got down and held the collar of Complainant and made him forcibly sit in the car and drove him away.

7. It is surprising that according to the version of Complainant, Complainant was with three friends as delineated hereinabove who did not provide any resistance at that time. Hence delay in filing FIR of two days is noted by this Court hereinabove. *Prima facie*, the custodial interrogation of present Applicant is not at all required in the present case as there is no direct role attributed to the Applicant as can be seen who was standing across as per Complainant.

8. Remand note states that Applicant came on a motorcycle after the Mahindra XUV left the spot of incident after abducting the Complainant and followed the said vehicle. There is a clear contradiction in the version of Complainant and the Remand note after investigation which enables Applicant to get relief in the present Application. Without delineating any opinion on merits of the matter, in view of above observations and findings, Anticipatory Bail Application stands allowed in terms of prayer clause (b), however subject to the following terms and conditions:-

- (i) In the event of the arrest, Applicant be enlarged on bail on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like

amount;

- (ii) Applicant shall report to the Investigating Officer at concerned Police Station once every month on the first Monday for six months and as and when called for by the Investigating Officer for investigation;
- (iii) Applicant shall furnish particulars of his address and mobile number to the Investigating Officer within one week from today;
- (iv) Applicant shall not misuse his liberty in any manner or influence the informant, witnesses or any person concerned with the case and he shall not tamper with the evidence; and
- (v) It is directed that Applicant shall extend complete cooperation in the investigation of the instant case.

9. Parties to act on a server copy of this order.

10. Anticipatory Bail Application stands allowed and disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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