

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

ANTICIPATORY BAIL APPLICATION NO. 265 OF 2025

1. Rameshwar Ramsundar Patel
 2. Vikram Ashok Pagare
- ...Applicants

Versus

The State of Maharashtra

...Respondents

- Mr. Chetan H. Deshmukh, for Applicants.
- Dr. Ashwini A. Takalkar, APP for Respondent.
- Mr. P.S Deore, PSI, Deolali Camp Police Station, Nashik.

CORAM : MANISH PITALE, J.

DATE : 30th JANUARY, 2025.

P. C. :

1. Heard, Mr. Deshmukh, learned counsel for the Applicant and Ms. Takalkar, learned APP for respondent – State.

2. The applicants in this application are apprehending arrest in connection with First Information Report No.0124 of 2024, dated 30th November, 2024, registered at Police Station Deolali Camp, District Nashik, for offences under Section 310(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 135 of the Maharashtra Police Act, 1951.

3. The offences in the present case pertain to dacoity. The allegation as per the statement of the informant against the accused persons, including the applicants, is that on 22nd November, 2024, the accused persons reached the office of the company, in which the first informant is a partner. It

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is alleged that there was a mob of 50 to 60 persons armed with sticks and *koytas*. They abused and assaulted the security guards by slapping them and thereafter, they ransacked the office, taking away about ₹ 1,70,000/- lakhs in cash and other material, totaling ₹ 2,47,700/-.

4. The learned counsel for the applicants submits that two co-accused persons were granted anticipatory bail by this Court by order dated 19th December, 2024, passed in Anticipatory Bail Application Nos.3460 of 2024 and 3462 of 2024. The learned counsel for the applicants invokes the principle of parity for seeking identical relief in favour of the applicants herein.

5. The learned APP fairly submits that although the principle of parity would apply, insofar as applicant No.2 is concerned, he has three criminal antecedents in the form of FIRs registered under various offences at the very same police station i.e. Deolali Camp Police Station, Nashik. It is submitted that this Court may consider the aforesaid aspect of the matter before disposing of the present application.

6. While allowing the applications of co-accused persons, this Court made the following observations :

“8. This Court has carefully perused the material on record, including the written complaints submitted on 20th

October 2024, 22nd and 29th November 2024 on behalf of the accused persons, as also written complaint submitted on 23rd November 2024 by the first informant, with regard to the incident, which led to registration of the FIR.

9. The aforesaid documents brought to the notice of this Court do indicate that the Police in the present case has chosen to remain inactive for reasons best known to the concerned Police Officers. It cannot be an excuse that since election was being conducted in the State of Maharashtra, ordinary Policing Duty would be given a go bye. In any case, the Police machinery cannot be said to be paralyzed only because elections of the Legislative Assembly were being conducted.
10. Therefore, this Court is of the opinion that a prima facie case is made out by the applicants to claim that the Police did not take any action on their aforesaid three written complaints, despite the fact that all the three written complaints were acknowledged to have been received in the said Police Station.
11. The same could also be the grievance of the first informant, as a written complaint dated 23rd November 2024 appears to have been received in the said Police Station with regard to the alleged incident, which led to registration of the FIR. But, it is to be noted that while the three written complaints submitted on behalf of the accused persons on 20th October 2024, 22nd and 29th November 2024, did not result in any inquiry or even registration of an FIR or a report pertaining to non-

cognizable offences, 4 minutes past to midnight on 30th November 2024, the Police chose to register the subject FIR, pertaining to the incident dated 22nd November 2024. There is substance in the contention raised on behalf of the applicants that this prima facie indicates that the Police Machinery in the present case was not objective and it was indulging in pick and choose.

12. *In this backdrop, when the contents of the statement of the first informant leading to registration of the FIR are perused, this Court finds that even according to the first informant, while a mob of 50 to 60 unknown persons came with sticks and koytas, in an aggressive manner, towards the office of the company, with which the informant is concerned, the security personnel were allegedly assaulted only by way of slaps and they were orally abused, following which the office was ransacked and cash, as well as certain material worth Rs.2,47,700/- was taken away. The description of the incident itself prima facie appears to be exaggerated and in the backdrop of the property dispute between the parties, it can be said to be an attempt to give the colour of criminality to a civil dispute between the parties. It is already noted that there is a civil suit filed, in which one of the applicants is a plaintiff and there is ex-parte injunction granted in favour of the plaintiffs therein.*
13. *This Court is of the opinion that in such circumstances, the applicants have been able to demonstrate a strong prima facie case in their favour and therefore, the applications*

deserve to be allowed, so long as the applicants are ready to cooperate with the investigation. Merely because the applicants have some criminal antecedents, cannot be a ground to deprive them of relief in these applications.”

7. Having perused the material on record, this Court is of the opinion that the above quoted observations would apply in the case of the applicants herein also and they ought to inure to their benefit. Therefore, the principle of parity can be applied in favour of the applicants. They have undertaken to cooperate with the Investigating Authority.

8. As regards the criminal antecedents of applicant No.2, this Court is of the opinion that when a strong *prima facie* case is made out by the said applicant – accused, the factum of existence of criminal antecedents alone cannot be a ground to deprive relief.

9. In view of the above, the application is allowed in the following terms:

(A) In the event, the applicants are arrested in connection with FIR No.0124 of 2024, dated 30th November, 2024, registered at Police Station Deolali Camp, District Nashik, they shall be released on bail on furnishing PR Bonds of ₹ 50,000/- each and one or two sureties in the like amount.

(B) The applicants shall remain present before the

Investigating Officers on 03rd and 04th February, 2025, between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicants shall cooperate with the investigation.

- (C) The applicants shall not tamper with the evidence of the prosecution in any manner. They shall not influence the informant, witnesses or any other person concerned with the case.

10. Needless to say, violation of any of the aforesaid conditions would make the applicants liable to face proceedings for cancellation of anticipatory bail.

11. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicants in the present application.

12. The application is disposed of.

(MANISH PITALE, J.)