

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 485 OF 2025

Ravi Shankar Dharmraj Adwasi & Anr. Applicants

VERSUS

State of Maharashtra Respondent

Mr. Pramod Pandey for the Applicants.

Mr. Anand S. Shalgaonkar, A.P.P. for the State.

CORAM : RAJESH S. PATIL, J.

DATE : 20th FEBRUARY, 2025

P.C. :-

This application is filed for pre-arrest bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with FIR No. 0037 dated 3rd February, 2025 registered with Bhoiwada Police Station, Brihanmumbai Shahr for the offence punishable under Sections 3(5), 306 and 62 of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 2nd February 2025 at about 6:00 p.m. in the evening the applicants along with site

supervisor were allegedly trying to sell the old steel scrap without permission of the management and against the interest of the company. Hence, an FIR has been lodged against the present applicants and the head supervisor.

3. It is the case of the applicants that they are watchmen at the site and their acts which has been alleged to have been done at the instructions of the accused no.1 site supervisor. It is further argued that nothing has to be recovered from the present proceedings as before any act could have been done, all the accused persons were caught. Therefore the custody of the present applicants is not necessary. There is no antecedents of the present applicants. The accused no.1 site supervisor is absconding they don't have any information about the said site supervisor. They are ready to co-operate with the police.

4. The learned A.P.P. submits that if the present applicants attend the office of the Investigating Officer, the statement can be

recorded. There is no recovery to be made in the crime committed. However, as far as the accused no.1 is concerned, he is a site supervisor, he is absconding. Hence, as of now the protection can be granted to the applicants.

5. I have heard learned counsel for both the sides and taking into consideration the FIR and even the order passed by the Sessions Court, the present applicants are the watchmen on the construction site. They hail from North Indian States and are in Mumbai only for the purpose of earning their livelihood. They were working under the guidance of the supervisor. Nothing is to be recovered from the present accused persons. Suffice will be the purpose if they are directed to remain present as and when the Investigating Officer requires their presence. Hence, the following order :-

ORDER

- (a) **The anticipatory bail application is allowed.**

(b) In the event of arrest in connection with FIR No. 0037 dated 3rd February, 2025 registered with Bhoiwada Police Station, Brihanmumbai Shahar for the offence punishable under Sections 3(5), 306 and 62 of the Bharatiya Nyaya Sanhita, 2023, the applicants shall be released on bail, on furnishing P.R. bonds to the extent of Rs.30,000/- each with two or more sureties of the like amount.

(c) The applicants shall co-operate with the investigation and attend the Investigating Officer of the concerned Police Station on 27th February 2025 and 28th February 2025 between 11:00 a.m. to 2:00 p.m. and as and when called.

(d) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade

him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.

(e) The applicants shall furnish details of his residential addresses of present address and their native address, contact numbers and e-mail addresses to the Investigating Officer.

6. **The anticipatory bail application is disposed of.**

[RAJESH S. PATIL, J.]