

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1032 OF 2025

Yogesh Dharmaji Gavhane	...Applicant
<i>Versus</i>	
The State of Maharashtra & Anr.	...Respondents

None for the Applicant.
Mr. S. A. Karmakar, APP, for the Respondent-State.
Mr. Avadhut Deshmukh, PSI, attached to Lashkar Police Station,
Pune City, Pune, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd SEPTEMBER 2025

PC:-

1. None appears for the Applicant. Heard Mr. S. A. Karmakar, learned APP appearing for the Respondent-State.

2. Although, the Original Complainant/Respondent No.2 has been impleaded as party and has filed affidavit-in-reply dated 8th May 2025, none appears even for the Respondent No.2.

3. This application is filed under Section 482 of the Bharatiya Nagarik Surkasha Sanhita, 2023 (“BNSS”) seeking pre-arrest bail in connection with C.R. No.47 of 2025 registered with Lashkar

Police Station, Pune, for the offences punishable under Sections 329(4), 305, 223, 351(1) 3(5) of the Bharatiya Nyaya Sanhita, 2023 (“BNS”).

4. With the assistance of Mr. Karmakar, learned APP, I have perused the papers.

5. Perusal of the record shows that the dispute is essentially of civil in nature.

6. Learned Additional Sessions Judge, Pune while rejecting the Anticipatory Bail Application of the present Applicant by order dated 15th April 2025 passed in Criminal Anticipatory Bail Application No.1828 of 2025 has made reference to the Regular Civil Suit No.168 of 2015 filed by the Informant and the said suit was dismissed for non-prosecution on 1st December 2016.

7. Perusal of the record further shows that the landlord- Anant Deokar sold the concerned premises to the Applicant by registered Sale Deed dated 15th January 2015 and the Informant is the tenant of the said premises. Before the said transfer the said landlord has

filed suit for eviction bearing Civil Suit No.468 of 1986 against the predecessor of the Informant. The said suit was decreed *ex parte* on 2nd May 1987. The predecessor of the Informant filed Civil Appeal No.4 of 1989 and by the Judgment and Decree dated 6th June 1990 passed by the learned 3rd Additional District Judge, Pune, the said decree was set aside and the matter was remanded back to the learned Trial Court for fresh hearing. It is the further contention of the Applicant that on the basis of the said Sale Deed the Applicant filed Suit No.182 of 2024 against the Informant for eviction. However, the same was withdrawn on 6th January 2025.

8. In the above background, it is the prosecution case that since 2023 mother of the First Informant started staying at Mumbai and she passed away on 24th December 2024 and when the First Informant visited the said premises on 17th March 2025 it was found that the Applicant was staying in the said premises.

9. Thus, perusal of the record shows that the dispute in Civil Court was going on between the parties since many years. A learned Single Judge has already granted interim protection to the Applicant by order dated 17th April 2025.

10. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

- (a) In the event of arrest of the Applicant-Yogesh Dharmaji Gavhane in connection with C.R. No.47 of 2025 registered with Lashkar Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the concerned Police Station as and when called by the Investigating Officer.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or

to any Police personnel.

- (e) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (f) The Applicant shall not leave India without prior permission of the Court.

11. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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