



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1120/2025

SACHIN GANGADHAR PANGAVHANE ...APPLICANT
VS
THE STATE OF MAHARASHTRA ...RESPONDENT

...
Adv. Abhijit A. Devkhile for the Applicant.
Adv. Rutuja A. Ambekar, APP for the Respondent State.
PSI N. B. Chapale, Sangavi Police Station, Pimpri Chinchwad.

...

CORAM : RAJESH S. PATIL, J.
DATED : APRIL 30, 2025

P.C.:

1. Apprehending arrest in C.R.No.22/2025 registered with Sangvi Police Station, in respect of offence pun. U/Sec. 204, 205, 336(2), 336(3) and 340(2) of B.N.S. and section 149(A) of the Maharashtra Police Regulation, applicant has preferred the present application U/Sec.482 of B.N.S.S. for seeking bail in the event of arrest concern with the crime in question.

2. Based on the complaint filed, an FIR has been lodged. The role of the present applicant is specifically mentioned in the FIR.

3. The allegations in the FIR against the present applicant is that he is running a printing press business under the name and stile of "Pushpa Arts." It is alleged that in his printing press, the arrested

accused Santosh Landage prepared forged identity cards of Police Officers. The number plate of the vehicle showing it of police was prepared, so also, the smart card was prepared. From the arrested co-accused after drawing the panchanama his mobile phone was seized. From the seized mobile phone, it is found from the whats-app chats, the arrested co-accused was in touch with the present applicant and the subject of the said chat was regarding police name plate. The learned APP has also shown me the file of the investigating officer, it can be seen that apart from the arrested co-accused the applicant has also helped two more police personnel to prepare forged documents of identity card, one being of Mumbai Police and another being of Pune City Police.

4. Considering the offence which the present applicant has committed, being a owner of a printing press, it has to be found out, how many more such forged identity cards of police officers are prepared by the present applicant. Even the mobile phone of the present applicant needs to be taken into custody and further inquiry to be made, along with the laptop, (if any), being used by the present applicant. It has been noted in the order passed by the sessions Court in paragraph no. 8 as the submission of the APP is that the present applicant is the mastermind of the crime which has been reported.

5. Apart from this, notice under Section 35(3) of BNSS was

issued to the present applicant. However, the present applicant did not seek it proper to attend the office of the investigating officer in order to help him to complete the investigation. This fact itself proves that the applicant is not ready to co-operate with the police machinery.

6. The Supreme Court in case of *Sumitha Pradeep vs. Arun Kumar C.K. and another*¹ in paragraph 12 has held as under :-

“12..... In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

(Emphasis supplied)

7. A similar view has been taken by the Supreme Court in the case of *the C.B.I. vs. Anil Sharma*², in paragraph 4 which reads as under:-

“4. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than

1 2022 SCC Online SC 1529

2 AIR OnLine 1997 SC 797

questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

(Emphasis supplied)

8. Considering the as law laid down by the Supreme Court in the above two judgments and the facts of the present case, there is no merits merits in the present anticipatory bail application. Hence, the present **anticipatory bail application stands rejected.**

(RAJESH S. PATIL, J.)