

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1154 OF 2025

Ramchandra Uttam Malkampatte ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Angad Singh Gill, for the Applicant.
Mr. S. H. Yadav, APP for the Respondent- State.
Mr. Anand Patil for Respondent No.2 (Through Video Conferencing).
Mr. Kharge, API, Chikali Police Station.

CORAM : ADVAIT M. SETHNA, J.

DATE : 16 MAY 2025
(VACATION COURT)

P.C.:

1. The applicant in the present application apprehends arrest.
2. Learned counsel for the applicant would at the outset submit that there are 5 accused persons in the present C.R. No.598 of 2024. The FIR in the said CR has been lodged on 7 October 2024 under Sections 306, 498A, 323, 504, 506 and 34 of the Indian Penal Code (“*IPC*”). Learned counsel for the applicant would contend that other four co-accused persons i.e. accused Nos.2 to 5 have been granted Anticipatory Bail on 16 January 2025 by the learned Sessions Court, Pune. According to him all the accused persons form the part of the same CR with similar offences registered against them. On the basis of parity, the

applicant would submit that he should not be singled out and the Court should consider some protection to be granted in favour of the applicant.

3. Learned APP would draw my attention to the FIR to point out that the offences are serious. The applicant had indulged into some extra marital relations as stated in the FIR and also demanded a sum of Rs.20 Lakhs. He would not dispute the fact that the present accused along with the others are similarly situated and the principle of parity may apply to the present applicant.

4. At this stage, learned counsel for the complainant appears through Video Conferencing. He would vehemently oppose any reliefs in favour of the present applicant. He would submit that he be permitted to file *vakalatnama* on behalf of the complainant as he has been instructed only yesterday. He would further submit that according to him the ground of parity as urged by the applicant will not apply as far as the present applicant is concerned.

5. According to him though the FIR is of 7 October 2024 no steps were taken by this applicant until 21 January 2025. It is only on such date when the other co-accused were granted anticipatory bail that this applicant has rushed to the Court for urgent reliefs. This is not *bona fide* conduct according to the learned counsel for the complainant.

6. Having heard the learned counsel for the parties and after perusing the record it appears that the other accused person viz., accused Nos.2 to 5 have been granted Anticipatory Bail by Sessions Court on 16 January 2025. This is not disputed either by the learned APP or by the learned counsel for the complainant. The fact that offences are similar, as also arising out of same CR is

also not disputed.

7. I have perused the FIR as well as the impugned order of the Sessions Court dated 3 April 2025. In my *prima facie* view, considering the fact that the other accused persons having been granted the relief of anticipatory bail, in the same C.R.No.598 of 2024 there is no reason *prima facie*, at this stage to single out this particular applicant. However, considering the nature of allegations and the order passed by the Sessions Court dated 3 April 2025 rejecting his anticipatory bail, the investigation ought not to be stalled in any manner. In passing the order below I have expressed only a *prima facie* opinion without delving into the merits of the applicant's role which can be effectively analyzed/scrutinized after the reply affidavits of parties are filed in these proceedings. Needless to reiterate that the Court at this stage, has expressed no opinion on the merits of the rival contentions including the role of the applicant to be further assessed on the adjourned date of hearing.

8. Accordingly the Court passes the following ad-interim order:

- (i) In the event of arrest of the applicant during the pendency of this proceedings, he would be released on bail on furnishing PR bond in the sum of Rs.50,000/- with one or more sureties in the like amount;
- (ii) The applicant shall co-operate with the investigation and attend the Chikhali Police Station, Thane on Monday of every week at 11.30 a.m. until further orders are passed on this application;

- (iii) The applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same will be immediately informed to the concerned police station;
- (iv) The applicant shall not leave the jurisdiction of the Court without prior permission of the Court, which shall operate subject to further order of the Court.

9. Learned counsel for the complainant shall file his *vakalatnama* on or before the returnable date. He would also file his reply/say to this application on or before the adjourned date of hearing and serve a copy thereof to the advocate for the applicant and learned APP in advance.

10. List the proceedings for further consideration on **27 June 2025, High on Board.**

[ADVAIT M. SETHNA, J.]