

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

ANTICIPATORY BAIL APPLICATION NO. 1374 OF 2025

Dhanraj Babanrao Shinde

.Applicant

Vs.

The State of Maharashtra

.Respondent

Mr. Priyal Sarda i/b. Mr. Shubham Sudam Sane, Advocate, for the Applicant

Mr. Mayur S. Sonawane, APP, for the Respondent – State

Mr. A. M. Rathod, PSI, Dehu Road Police Station, Pimpri – Chinchwad present

CORAM : ASHWIN D. BHOBE, J.

DATE : 30.05.2025

(VACATION COURT)

P. C.

1. Heard Mr. Sarda alongwith Mr. Sane, Advocates for the Applicant and Mr. Sonawane, learned APP for the Respondent - State.

2. By the present Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short “**BNSS**”), the Applicant before this Court is seeking anticipatory bail in connection with C. R. No. 48 of 2025 registered with the Dehu

Road Police Station, Pune for the offences punishable under Sections 308(4) r/w. 3(5) of the BNSS, 2023.

3. Case of the prosecution is that the Complainant lodged a report on 17.01.2024 claiming that the Accused persons in the above said crime conspired with each other, to make a demand of Rs. 40,00,000/- from the Informant, failing which threatened the Complainant of filing legal proceedings in respect of the construction work undertaken by the Complainant.

4. There are three Accused persons in the crime.

5. Persons who are alleged to be the main Accused namely Accused Nos. 1 and 2 were arrested on 20.02.2025, they were in custody till 24.02.2025 and thereafter, in judicial custody. The said two Accused Nos. 1 & 2 were enlarged on bail by the 6th Jt. JMFC, Vadgaon, Maval, Pune by Order dated 27.02.2025.

6. Mr. Sarda, learned Advocate for the Applicant states that role of the Applicant herein who is Accused No. 3, as alleged in the C. R. No. 48 of 2025 is of a messenger. In other words, he clarifies that the allegations in the said crime are that the Applicant was sent to the Complainant by the Accused Nos. 1 and 2 to collect the amount demanded from the Complainant. He

states that investigation is complete, the main Accused have been enlarged on bail. He states that custodial interrogation of the Applicant is not required. He states that the Applicant would co-operate with the investigation and the Applicant would appear before the Court as and when Charge-sheet is filed. Mr. Sarda, learned Advocate for the Applicant states that the Applicant does not have criminal antecedents.

7. Mr. Sonawane, learned APP has placed on record say of the prosecution. Same is taken on record and marked as "X" for identification. Referring to the say, learned APP states that the Accused was a messenger sent by the main Accused to collect the amount demanded by them from the Complainant. He states that presence of the Applicant is recorded on the CCTV footage . Learned APP fairly states that the main i. e. Accused Nos. 1 & 2 in the present crime were enlarged on bail. He states that no recoveries are to be made in the present crime. However, he states that presence of the Accused is required for the purpose of verifying identity of the Applicant viz a viz the CCTV footage. Mr. Sonawane, learned APP on instructions of the investigating officer confirms that there are criminal antecedents of the Applicant.

8. Learned APP states that Charge-sheet qua Accused Nos. 1 and 2 has been filed.

9. Nature of the allegations against the Applicant is of being a messenger who was sent at the instance of Accused Nos. 1 & 2 in the said crime to the Complainant to collect the amount which is alleged to be extortion amount. FIR at page No. 14 refers to the said allegations qua the Applicant. The main Accused in the said crime are released on bail. As stated by the learned APP, on instructions, from the investigating officer, no recoveries are required to be made from the Applicant. The requirement of the Applicant for investigation according to the learned APP, is for the purpose of identification of the Applicant in connection with the CCTV footage. Records placed before me indicate that the main Accused namely Accused Nos. 1 and 2 were in custody for a period of four days and thereafter, were sent to the judicial custody. It is not the case of the prosecution that the amount alleged to be extortion amount was paid by the Complainant.

10. In view of the above, I find that custodial interrogation of the Applicant in the present crime is not necessary. The Applicant is, therefore, entitled to be enlarged on pre-arrest bail, however,

subject to the following conditions.

O R D E R

(a) In the event of arrest of the Applicant in C. R. No. 48 of 2025 registered with the Dehu Road Police Station, Pune, the Applicant shall be released on bail on furnishing P. R. Bond in the sum of Rs. 1,00,000/- with one or two sureties in the like amount to the satisfaction of the learned 6th Jt. JMFC, Vadgaon, Maval, Pune;

(b) The Applicant shall furnish his residential address and contact number/mobile number to the investigating officer, Dehu Road Police Station, Pune;

(c) The Applicant shall attend before the investigating officer, Dehu Road Police Station, Pune on every Monday of the week commencing from 02.06.2025 till 02.08.2025 from 10.00 a. m. to 1.00 p. m. and/or on any other day as may be required by the investigating officer, Dehu Road Police Station, Pune;

(d) The Applicant shall co-operate with the investigation;

(e) The Applicant shall not influence or threaten any of the witnesses or tamper with the evidence in any manner;

(f) The Applicant shall not leave the State of Maharashtra

without written permission of the investigating officer.

11. The Anticipatory Bail Application No. 1374 of 2025 is allowed in the above terms.

(ASHWIN D. BHOBE, J.)