

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.1495 OF 2025

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Praveen Manik Kadam

...Applicant

Versus

The State of Maharashtra

...Respondent

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Mr. Satyavrat Joshi (Through Video Conferencing) a/w Indrayanee Pandit i/b Samay Pawar, for the Applicant.

Mr. A. R. Metkari, APP for the Respondent-State.

Mr. Mahesh Vaswani a/w Shreya Tiwari i/b Mikdad Zumnerwala, for Respondent No.2.

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CORAM: MADHAV J. JAMDAR, J.

DATED: 15 OCTOBER 2025

PC:-

1. Heard Mr. Joshi, learned Counsel appearing for the Applicant, Mr. Metkari, learned APP for the Respondent-State of Maharashtra and Mr. Vaswani, learned Counsel appearing for Respondent No.2.

2. By this Anticipatory Bail Application filed under Section 482 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* ("BNSS"), the Applicant is seeking pre-arrest bail in connection with CR No.56 of 2025 registered with the Lonavala City Police Station, District-Pune Rural, Pune, for the offences punishable under Sections 69,

318(4), 3(5), 316(2) of the *Bharatiya Nyaya Sanhita, 2023* and Section 66(E) of the *Information Technology Act, 2000*.

3. The prosecution case is set out in Paragraph No.3 of the Order dated 10th March 2025 passed by the learned Additional Sessions Judge, Vadgaon Maval, District-Pune in Criminal Bail Application No.69 of 2025 rejecting the Application filed by the Applicant, which reads as under :-

*“3. The prosecution story is that, on 04/09/2024 to 05/09/2024 and in between 15/09/2024 till 20/09/2024 at Citrus Hotel, Lonavala and at Shrinagar, Pahlagam by giving promise of marriage applicant/accused Praveen Manik Kadam forcefully established sexual relations and unnatural relations with informant from time to time. It is also alleged that informant was subjected to ill-treatment and the accused also forced her to transfer the amount. It is also alleged that applicant/accused Hrishikesh Manik Kadam has helped the applicant/accused Praveen Manik Kadam from time to time and he also asked the informant to made expenses for court cases of applicant/accused Praveen and assured to refund the amount, but he had not refunded the amount to her. The informant came to know that accused persons in conspiracy with each other have cheated her and applicant/accused Praveen had established physical relationship under the false promise of marriage despite he was married. Hence, she proceeded to lodge the complaint against the accused persons. On the basis of such allegations, the impugned offence came to be registered against the applicants/accused. Hence, they have apprehension that,*

*they may be arrested by police. As such they have preferred the present bail application.”*

4. At the outset, Mr. Metkari, learned APP submits that the offence is very serious. Apart from that, he states that proclamation has been issued under Section 84 of the BNSS and the Applicant is absconding. Therefore, the Anticipatory Bail Application be not entertained.

5. Mr. Vaswani, learned Counsel appearing for Respondent No.2 also raises the similar contentions and relies on the decision of the Supreme Court in *State of Haryana v. Dharamraj*<sup>1</sup>.

6. On the other hand, Mr. Joshi, learned Counsel appearing for the Applicant points out the decision of the Supreme Court in *Asha Dubey v. State of Madhya Pradesh*<sup>2</sup> and submits that in spite of the issuance of proclamation, the Anticipatory Bail Application can be entertained. He submits that the Applicant is not involved in the crime and therefore the Application be granted.

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**1** (2023) 17 SCC 510 : 2023 SCC OnLine SC 1085

**2** 2024 SCC OnLine SC 5633

7. The Supreme Court in the decision of *Lavesh v. State (NCT of Delhi)*<sup>3</sup>, has held that normally when the Accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. It has been reiterated that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code of Criminal Procedure, 1973 he is not entitled to the relief of anticipatory bail.

8. The Supreme Court reiterated the said position in the decision of *Abhishek v. State of Maharashtra*<sup>4</sup>, wherein it has been held that any person, who is declared as an “absconder” and remains out of the reach of the investigating agency and thereby stands directly at conflict with law, ordinarily, deserves no concession or indulgence.

9. The Supreme Court in *State of Haryana v. Dharamraj* (supra) reiterated the said position and in fact set aside the Order passed by the High Court granting anticipatory bail.

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**3** (2012) 8 SCC 730

**4** (2022) 8 SCC 282

10. The said position is again reiterated by the Supreme Court in the decision of *Shrikant Upadhyay v. State of Bihar*<sup>5</sup>, wherein it has been specifically held that when warrant of arrest or proclamation is issued, the Applicant is not entitled to invoke the extraordinary power. However, it has been clarified that this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice.

11. The decision on which Mr. Joshi, learned Counsel appearing for the Applicant heavily relied i.e. *Asha Dubey* (supra), the Appellant before the Supreme Court in the said case is the mother-in-law of the deceased. The son of the Appellant was arrested and he was in custody. In the facts and circumstances of that case, the Supreme Court has observed that custodial interrogation of the said Appellant is not required. The Supreme Court has also held that, in the event of the declaration under Section 82 of the Cr.PC., it is not as if in all cases that there will be a total embargo on considering the application for the grant of anticipatory bail and the Court will have to see the circumstances of the case, nature of

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**5** 2024 SCC OnLine SC 282

the offence and the background based on which such a proclamation was issued.

**12.** As per the prosecution case, by giving promise of marriage applicant/accused Praveen Manik Kadam forcefully established sexual relations and unnatural relations with informant from time to time. It is also alleged that informant was subjected to ill-treatment and the accused also forced her to transfer various amounts from time to time. The informant came to know that accused persons in conspiracy with each other have cheated her and applicant/accused Praveen had established physical relationship under the false promise of marriage despite he was married. Thus, the allegations against the Applicant are very serious.

**13.** The Supreme Court in the decision of *Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. State of Maharashtra*<sup>6</sup>, has held that the anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a

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**6** 2025 SCC OnLine SC 1489

person accused of grave offences. It has been further held that as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation as it may sometimes lead to tampering or distraction of the evidence.

**14.** Considering the facts of this case and the above parameters, no case is made out for grant of anticipatory bail.

**15.** Accordingly, the Anticipatory Bail Application is dismissed.

**[MADHAV J. JAMDAR, J.]**