

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2512 OF 2025

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Ajinkya Arun Aghade

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Abhishek Avachat a/w Ronak Vankalas, Siddhant Deshpande & Deepak Nagawade, for the Applicant.

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

Mr. Kuldeep Nikam, for the First Informant.

CORAM: MADHAV J. JAMDAR, J.

DATED: 15 SEPTEMBER 2025

PC:-

1. Heard Mr. Avachat, learned Counsel appearing for the Applicant, Mr. Metkari, learned APP for the Respondent-State and Mr. Nikam, learned Counsel appearing for the First Informant.

2. The Applicant is the Accused No.2 and seeking pre-arrest bail in CR No.184 of 2025 registered with Kothrud Police Station, District-Pune under Sections 308(2), 308(3), 351(2) and 3(5) of the *Bharatiya Nyaya Sanhita, 2023*.

3. The prosecution case is set out in Paragraph Nos.5, 6 and 7 of the Order dated 28th August 2025 passed by the learned

Additional Sessions Judge, Pune in Bail Application No.5647 of 2025. The relevant part of the same reads as under :-

*“5] As per the case of the prosecution on 30/06/2025 some dogs tried to attack the son of the informant while he was playing in the society and on lookers stopped the attack while his son sustained some minor bruises. So the informant asked the security guards to keep all the dogs away from the society and thereafter he was informed on society Whatsapp group that Ramesh Ahire and his wife restrained the security guards from shooing away the dogs from society. **The informant received call from accused No.1 Harshwardhan Chaudhari and there were verbal argument between them and on next day i.e., 01/07/2025 it came to the knowledge of the informant that FIR is lodged under the relevant provisions of the Atrocities Act. On 05/07/2025 accused No.1 called the wife of the informant and asked her to inform the informant to meet him at Irani Cafe in Bavdhan and informant went and met him. He told the informant that he will mediate and take back the FIR filed by Ramesh Ahire if he pays him Rs.1 crore, and informant due to fear gave him Rs.3,00,000/-.** Thereafter on 06/07/2025, the accused No.1 called informant and took Rs.50,000/- from him. On 12/07/2025 accused No.1 called the informant to meet and there he introduced the informant to the accused and threatened him and then they negotiated to an amount of Rs.21,00,000/- in order to settle the case.*

6] It is specifically mentioned in the FIR that Harshawardhan Chaudhari and Ajinkya Ughade had called the informant at Chandani Chowk and there they told him that they meet Ramesh Ahire at Chaitanya Bar and discussed the matter. If he didn't gave Rs.21,00,000/-, Ramesh Ahire and his wife could have gone to the police station and pressurize them to arrest him. It is also brought to my notice that the Ramesh

Ahire also lodged complaint against the Saurabh Ashokkumar Suman and FIR is registered under section 3(1)(r) and 3(1)(s) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

7] In the present FIR, there are allegations that to withdraw the complaint applicant and co-accused demanded Rs.21,00,000/- from the informant. Out of that amount Rs.3,00,000/- already given by the informant to co-accused No.1. Crime is registered under section 308(2), 308(3), 251(2) and 3/5 of the BNS, 2023....”

(Emphasis added)

4. It is the contention of Mr. Avachat, learned Counsel for the Applicant that the Applicant is not involved in the crime. However, perusal of the contents of the FIR clearly shows that the Applicant is involved in the crime.

5. Apart from that, Mr. Nikam, learned Counsel for the First Informant has pointed out the transcript of the conversation between the First Informant - Saurabh Ashokkumar Suman, Accused No.1- Harshwardhan Chaudhari and Accused No.2-Ajinkya Aghade i.e. the present Applicant. Accused No.1 informed First Informant that an amount of Rs.85,000/- has been paid to the Accused No.2. There is reference to said payment of Rs.85,000/- in the FIR.

6. Thus, *prima facie*, there is material against the Applicant and the offence is very serious.

7. Learned APP submits that Section 111 of the *Bharatiya Nyaya Sanhita, 2023* regarding organised crime has also been invoked. Learned APP states that there are about 7 antecedents against the Accused No.1 relating to the same nature of the crime. He states that the present Applicant is also part of the organised crime.

8. The Supreme Court in the decision of *Nikita Jagganath Shetty v. State of Maharashtra*¹, has observed that 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 person accused of grave offences. It has been observed that while exercising the said power, the Court concerned has to be very cautious 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 to a great extent.

1 2025 SCC OnLine SC 1489

9. Accordingly, no case is made out for grant of Anticipatory Bail Application.

10. The Anticipatory Bail Application is dismissed.

[MADHAV J. JAMDAR, J.]