

IN THE COURT OF ADDL. SESSIONS JUDGE, SOLAPUR.

(Presided over by Shri.PPRajvaidya)

CRIMINAL BAIL APPLICATION NO.177/2026.

(CNR No.MHSO-0100-0569-2026)

1.Ramu Vyankatesh Shet	}
2.Laxman Vyankatesh Shet	}
3.Vivek Shrikant Bhandarkavtekar	}
4.Prakash Shivaji Pawar	}... <u>APPLICANTS.</u>
Versus	
State of Maharashtra	}... <u>OPPONENT.</u>

Shri.A.R.Jadhav, learned advocate for the applicants.

Smt. Deshpande, learned APP for the opponent.

(A) Case Details:

FIR Number and Date	Nil.
Police Station, District & State	Jodbhavi Peth Police Station, Solapur in State of Maharashtra
Sections invoked	Crime not registered till date.
Maximum punishment prescribed	Crime not registered till date.

(B) Custody & Procedural compliance:

Date of Arrest	Not applicable.
Total period of custody undergone	Not applicable.

(C) Status of Trial:

Stage of proceedings (Investigation/ Charge-sheet/Cognizance/Framing of Charges/Trial)	Crime not registered till date.
Total Number of witnesses cited in charge-sheet	Not applicable.
Number of prosecution witnesses examined	Not applicable.

(D) Criminal Antecedents:

FIR Number and Police Station	Not given.
Sections	Not given.
Status (Pending/Acquitted)	Not given.

(E) Previous Bail Applications:

Court	Not given.
Case No.	Not given.
Outcome of case	Not given.

(F) Coercive Process:

Whether any non-bailable warrant was issued ?	Not given.
Whether declared a proclaimed offender ?	Not given.

ORAL ORDER

(Passed on 31/03/2026)

1. By filing of this application, applicants have prayed as under;
 - (a) The Application of protection to the applicants may kindly be allowed.
 - (b) Jodbhavi Peth Police Station officials may kindly be directed to serve notice to applicant No.1 to 4 after filing of FIR and before 48 hours of arrest.
2. Read the application and say. Heard learned advocate Shri.A.R.Jadhav for the applicants & learned APP Smt.Deshpande for the prosecution. Perused the entire record.
3. Learned advocate for the applicants argued that applicants had received a notice under Section 179 of B.N.S.S. from Jodbhavi Peth Police Station Solapur and when the applicants attended the said police station on 28/11/2025 at about 1.00 pm., Police Officer Shri.Mulani assaulted applicant Nos.1 to 3 by police belt by raising abuses at them and by giving threats to them of lodging false FIR if they do not agree to the contentions of Ganesh Gururay Pavaskar. He argued that police officer Shri.Mulani and Ganesh Pavaskar have forced applicant No.1 to execute one Notarized agreement on 29/11/2025, police constable Kalaje & ASI Jagtap have pressurized applicant No.1 and applicants have made complaint against the policemen of Jodbhavi Peth Police Station with the Commissioner of

Police on 8/12/2025 but no action is taken against the erring policemen. He argued that after the applicant No.3 has filed application against Ganesh Pavaskar and police officers on 02/03/2026, Ganesh Pavaskar has started pressurizing the applicants on one way or the other. He argued that notices under Section 179 of B.N.S.S. are served on applicants by the police to remain present on 26/02/2026 and 02/03/2026, false crime may be registered against the applicants on the basis of false report lodged by Ganesh Gururaya Pavaskar and police may arrest the applicants in the said false crime due to which, it is necessary to protect the applicants by issuing directions to the police to serve prior notice of 48 hours on the applicants in case, FIR is registered against them. In support of his argument that application is maintainable, learned advocate for applicants has placed reliance on the following authorities.

- i) **State of Maharashtra Vs Ishan Vasant Deshmukh** reported in **2010 SCC OnLine Bom 2464**,
- ii) **Vijaykumar Gopichand Ramchandani V Amar Sadhuram Mulchandani**, reported in **2022 LiveLaw (SC) 1010**,
- iii) **Union of India Vs Padam Narain Aggarwal** reported in **AIR 2009 Supreme Court 254**.

I have gone through those authorities.

4. As against this, learned APP submitted that applicants are avoiding to give attendance to the police station despite service of notices under Section 179 of B.N.S.S.. She argued that inquiry is being made in the application filed by Ganesh Gururaya Pavaskar and crime is yet not registered against the applicants due to which, this application is not maintainable.

5. Though learned advocate for the applicants submitted that application is maintainable under Section 482 of Bharatiya Nagarik Surkasha Sanhita, I could not find any force in his said submission because, the heading of Section 482 is about direction for grant of bail to

a person apprehending arrest. Here in the matter in hands, the prayers made by the applicants have been reproduced in the opening paragraph of this order which nowhere show that applicants have sought direction for grant of bail to them by apprehending arrest.

6. By taking me through the law laid down in the authorities cited above, learned advocate for the applicants sought to urge that the Court can grant anticipatory bail even if there is no registration of FIR. It would be apposite to reproduce here the observations made by Hon'ble Apex Court in a case of **Vijaykumar Gopichand Ramchandani Vs Amar Sadhuram Mulchandani** cited above. In para-2 of the order, Hon'ble Apex Court has held as under;

“2. The direction issued by the High Court to the effect that, 72 hours notice should be given to the first respondent in the event that the State finds it necessary to arrest him in connection with any complaint pertaining to cognizable offence at the behest of the Joint Registrar (Audit) is manifestly incorrect in law. (See in this context, Union of India Vs Padam Narain Aggrawal and Others). Such a direction could not have been issued by the High Court.”

7. By observing so, Hon'ble Apex Court is pleased to vacate and set aside the direction given by the High Court to the effect that 72 hours advance notice should be given to the first respondent before effecting an arrest, in the event of a complaint being registered in respect of a cognizable offence. Here in the matter in hands also, applicants are seeking directions from this Court to PS Jodbhavi to serve upon them prior notice of 48 hours. Though not worded specifically in the prayer clause, overall perusal of the application makes it clear that applicants are seeking said relief in the event of registration of FIR against them on the basis of the report lodged by Ganesh Gururaya Pavaskar. Having considered the observation of Hon'ble Apex Court in a case of **Vijaykumar Gopichand Ramchandani Vs Amar Sadhuram Mulchandani and Others** cited above, this Court is of the opinion that the relief as claimed by the

applicants cannot be granted. It being so, holding that application is liable to rejected, I pass the following order.

ORDER

Criminal Bail Application No.177/2026 stands rejected.

Date : 31/03/2026.

(PPRajvaidya)
Addl. Sessions Judge,
SOLAPUR.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- | | | |
|--------------------------------|---|--------------------------------|
| (a) Name of the Stenographer | : | Kurle S.S., Steno Grade-1 |
| (b) Court | : | Addl. Sessions Judge, Solapur. |
| (c) Order dictated by P.O. on | : | 31/03/2026. |
| (d) Order signed by PO. | : | 31/03/2026. |
| (e) Digital Signature of PO on | : | 02/04/2026. |
| (e) Order uploaded on | : | 02/04/2026. |