

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

**ANTICIPATORY BAIL APPLICATION NO. 3434 OF 2024**

|                          |     |            |
|--------------------------|-----|------------|
| Yash Ganesh Bagade       | ... | Applicant  |
| Versus                   |     |            |
| The State of Maharashtra | ... | Respondent |

\*\*\*\*\*

Mr. Piyush R. Toshnival a/w Sharad Shinde i/by Ashish Pawar for the Applicant.

Mr. Balraj B. Kulkarni, APP for Respondent-State.

\*\*\*\*\*

**CORAM: MANISH PITALE, J.  
DATE : 18<sup>th</sup> DECEMBER 2024**

**P.C. :**

1. Heard learned counsel for the applicant and learned APP for the respondent-State.

2. The applicant is apprehending arrest in connection with FIR No. 0829 of 2024 dated 25<sup>th</sup> September 2024 registered at Shivaji Nagar Police Station, Dist. Kolhapur, for offences under Sections 305(a), 331(3) and 331(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. Hearing of this application was adjourned from yesterday, for the reason that the learned APP highlighted the fact that the applicant has criminal antecedents. Details of some FIRs were given to this Court and also the learned counsel for the applicant. In that light, the learned counsel for the applicant had sought short adjournment to take instructions.

4. In the present case, the FIR has been registered against unknown persons on the statement of the informant that when he was away from his house, unknown persons had broken into the house and taken away valuables and the details were stated in the FIR.

5. The learned counsel for the applicant submits that the applicant is sought to be roped in, only on the statement of the co-accused person and there is no other material to link the applicant with the incident in question. As regards the criminal antecedents, it is submitted that the two FIRs, upon which reliance was placed yesterday i.e. FIR No. 0025 of 2024 dated 16<sup>th</sup> January 2024 and FIR No. 0480 of 2024 dated 7<sup>th</sup> October 2024, are also FIRs against unknown persons and it appears that the applicant is sought to be linked with the said FIRs, on the basis of statement given by the arrested accused. It is submitted that the applicant is ready to cooperate with the investigation.

6. The learned APP, on the other hand, submits that recoveries are to be made in the present case and there is enough material to link the applicant with the present FIR.

7. Having considered the rival submissions, this Court is inclined to grant interim relief in favour of the applicant, for the reason that presently, other than the statement of the arrested co-accused person, there does not appear to be any other material to link the applicant with the incident in question. The criminal

antecedents of the applicant, on which much reliance was placed by the learned APP, also show that both the FIRs were registered against the unknown persons and it appears that the very same arrested co-accused person has indicated that the applicant was involved in those incidents also.

8. It is also a matter of record that most of the missing valuables have been recovered from the arrested co-accused person and this is another factor taken into account by this Court.

9. In view of the above, the following interim order is passed :

- (a) Till the next date, in the event the applicant is arrested in connection with FIR No. 0829 of 2024 dated 25<sup>th</sup> September 2024 registered at Shivaji Nagar Police Station, Dist. Kolhapur, he shall be released on bail on furnishing PR Bond of Rs.25,000/- and one or two sureties in the like amount.
- (b) The applicant shall remain present before the Investigating Officer on 21<sup>st</sup> December 2024 between 10:00 a.m. and 12:00 noon and thereafter, as and when called by the Investigating Officer. The applicant shall co-operate with the investigation.
- (c) The applicant shall not tamper with the evidence of the prosecution in any manner. He shall not influence the informant, witnesses and other persons concerned with the case.

9. In the event, the applicant violates any of the aforesaid conditions, the order passed today would be recalled.

10. List this application for further consideration on 16<sup>th</sup> January 2025 (High on Board).

**MANISH PITALE, J.**