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ABA-980-25

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

ANTICIPATORY BAIL APPLICATION NO.980 OF 2025

YOGESH LALASAHEB HANDE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

- Mr. Dhiraj R. Jethliya, Advocate for the informant (Assist to PP.)
- Mr. C. V. Bhadane, APP for the Respondent/State

...

CORAM : ADVAIT M. SETHNA, J.

DATE : 30 JULY 2025

P. C. :-

1. A Praecipe is moved for Speaking to Minutes of order dated 25 July 2025.
2. Inadvertently, the name of learned Advocate **Mr. Dhiraj R. Jethliya** on behalf of the informant for assisting the learned APP, is not taken in the appearance of the order dated 25 July 2025. The name of **Mr. Dhiraj R. Jethliya** should be taken in the appearance.
3. Let the order be corrected and corrected order be uploaded in above terms and made available to the parties.
4. Praecipe for Speaking to Minutes is accordingly, disposed of.

(ADVAIT M. SETHNA, J.)

(This order dated 25 July 2025 stands corrected in view of the order dated 30 July 2025 passed on the motion for speaking to the minutes)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 980 OF 2025

Yogesh Lalasaheb Hande

Versus

The State of Maharashtra & Anr.

Mr. Ambar Barlota for the Applicant.

Mr. S. B. Narwade, APP for the State.

Mr. Dhiraj R. Jethliya, Advocate for the Informant (Assist to P.P.)

CORAM : ADVAIT M. SETHNA, J.

DATE : 25 JULY 2025

P. C.:

1. Heard learned counsel for the parties. At the very outset, my attention is drawn to an order dated 20 June 2025. By the said order, after expressing a *prima facie* view, this Court has imposed certain conditions on the Applicant in paragraph 6 of the said order.

2. Today, when the matter has been listed again, Mr. Narwade, learned APP in relation to the subsequent developments would submit that a charge-sheet dated 3 March 2025 has been filed under Section 299 of the Code of Criminal Procedure, 1973 (“CrPC”). Pursuant thereto, the accused No.1, who according to the prosecution is the main accused, is arrested and

his statement is recorded. It is the accused No.1, who named the present Applicant i.e. accused No.2 during the course of investigation regarding of his statement. Mr. Narwade would submit that such statement would corroborate the role of the present accused.

3. I have gone through the case diary/investigation papers including the statement of the said accused No.1. It is on 13 June 2025 that a supplementary charge-sheet has been filed against accused No.1 and it is submitted by the prosecution that they are intending to file a charge-sheet against this Applicant i.e. accused No.2. The Supreme Court has, inter alia, observed in *P Krishna Mohan Reddy Vs. The State of Andhra Pradesh*¹ dated 16 March 2025 that statement of accused persons recorded under Section 161 of CrPC cannot be used against co-accused at the stage of anticipatory bail or regular bail.

4. Learned Advocate for the Informant would endorse the contention of the learned APP to state that the Anticipatory Bail Application of this Applicant should be rejected.

5. Mr. Barlota, learned Advocate for the Applicant would submit that pursuant to the order dated 20 June 2025, the Applicant has fully co-operated with the investigation. He has also furnished the copies of the bank

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statements of himself as well as his family members to the Investigating Officer to facilitate the investigation. It is not in dispute that the present Applicant has complied with the order of 20 June 2025 insofar as the directions with regard to the attending the Police Station is concerned.

6. There is some dispute raised by Mr. Narwade, learned APP on instructions with regard to the co-operation. However, in my view, on the *prima facie* aspect there is nothing adverse placed on record by the prosecution subsequent to the order dated 20 June 2025. In fact, the investigation has substantially progressed. The main accused who was arrested is charge-sheeted by a supplementary charge-sheet dated 13 June 2025. The prosecution has reserved their right to file supplementary charge-sheet against present Applicant, which is not done until date.

7. In light of the above observations, though custodial interrogation may be a right of investigation, but it cannot be a norm in every case. In my considered view, no purpose would be served by the custodial interrogation in the factual complexion as noted above. Thus, I am inclined to confirm the interim order dated 20 June 2025. Thus the following order is passed:-

ORDER

- (i) In the event of arrest of the Applicant in connection with CR No.0076 of 2024 registered with Majalgaon Police Station, Beed

for the offences punishable under Sections 34, 406, 409 and 420 of the Indian Penal Code, 1860, the Applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.20,000 (Rupees Twenty Thousand Only) with one or more sureties in the like amount.

- (ii) The Applicant shall cooperate with the investigation and shall attend the concerned police station as and when called by the Investigating Officer, until filing of the supplementary charge-sheet against the present Applicant.
- (iii) The Applicant shall furnish details of residential address and other contact details such as mobile number etc. to the concerned police station. If there is any change in the contact details, the same shall be immediately intimated to the concerned police station.
- (iv) The Applicant shall not leave the jurisdiction of the Court without prior permission/order of the Court, until filing of the supplementary charge-sheet against the present Applicant.
- (v) The Applicant shall not influence the witness/es and/or tamper evidence in any manner whatsoever.

8. Needless to mention that the observations made above are *prima facie* for the purposes of adjudicating this Application.
9. The Anticipatory Bail Application is **Allowed** in the above terms.
10. Pending Applications filed in the present Application, if any, are disposed of in light of the above order.

[ADVAIT M. SETHNA, J.]