

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.1368 OF 2025

Shubham Prakash Kale	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. Amit Pradhan, for the Applicant.
Ms. G.P. Mulekar, APP, for the Respondent-State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th NOVEMBER 2025

PC:-

1. Heard Mr. Amit Pradhan, learned Counsel appearing for the Applicants and Ms. Mulekar, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) seeking pre-arrest bail in connection with C.R. No.119 of 2025 registered on 02nd May 2025 with Lasalgaon Police Station, District Nashik (Rural) for the offences punishable under Sections 316(2), 318(4) and Section 336(2) of Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. The prosecution case is set out in Paragraph Nos. 2 to 5 of order dated 03rd May 2025 passed by the learned Additional Sessions Judge, Niphad in Criminal Bail Application No.164 of 2025. The said Paragraph Nos. 2 to 5 of order dated 03rd May 2025 reads as under :-

“02] under. Brief facts leading to the case of prosecution are as under.

One Mr. Sushant Popat Khute, r/o. Urdhul, Tal Chandwad, Dist. Nashik has filed one application at Lasalgaon Police Station vide complaint No. 17 of 2025 dtd. 13.04.2025. He has also filed one application before Sub-divisional Officer, Niphad vide application No. 17 of 2025 dtd. 22.04.2025. It is alleged that the present applicant, being trader of Farm produce, has assured Mr. Sushant Khute that he will supply Soyabean to him. Accordingly, it was decided that the present applicant will send the goods and Mr. Sushant Khute would pay the amount for the same.

03] As per the agreement between the two, Mr. Sushant Khute paid Rs. 8,36,220 to the present applicant through Phone-Pay. The present applicant allegedly pretended to have sent the goods at the destination of Mr. Sushant Khute. Eventually, the goods were never sent and thus, not received by Mr. Sushant Khute.

04] On further probe, it is revealed that since the applicant has had the intention to cheat Mr. Sushant Khute, he asked Mr. Khute to make payment on Phone-Pay number of his friend namely Yogesh Jagtap. It is further revealed that goods were never loaded in the truck, nor it was weighed and the weighing receipt is found to be forged one. The present applicant then went missing and the did not pick up phone call of Mr. Khute. Thus, Mr. Khute reported the incident to Lasalgaon Police Station.

05] On receipt of the said application, Lasalgaon Police decided to make some preliminary inquiry and then to decide necessity of registration of FIR.”

4. A learned Single Judge by order dated 21st May 2025 has already granted interim protection. In the said order dated 21st May 2025 a learned Single Judge has recorded that the Applicant is ready to refund the amount involved in the crime i.e. Rs.8,36,220/- to the First Informant. Mr. Amit Pradhan, learned Counsel appearing for the Applicant states that the said order has been complied with.

5. The Applicant is having interim protection since 21st May 2025 and the amount involved in the crime has already been voluntarily paid by the applicant to the First Informant.

6. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

ORDER

(a) In the event of arrest of the Applicant- Shubham Prakash Kale in connection with C.R. No.119 of 2025 registered with the Lasalgaon Police Station, District

Nashik (Gramin) the Applicant is directed to be released on bail on his furnishing PR. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.

- (b) The Applicant shall attend the concerned Police Station on every Sunday between 11:00 a.m. to 01:00 p.m. till filing of the chargesheet and shall cooperate with the investigation. In addition, the Applicant shall attend the concerned Police Station as and when called.
- (c) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (d) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (e) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(f) The Applicant shall not leave India without prior permission of the Court.

7. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]