



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
ANTICIPATORY BAIL APPLICATION NO. 961 OF 2025

Yogendrasing Alias Yoga Amrutsing Rana
VERSUS
The State Of Maharashtra

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- Ms. Rutuja Jakhade – Kulkarni, Advocate h/f. Mr. S. A. Kulkarni, Advocate for Applicant
- Mr. P. D. Patil, APP for Respondent - State

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CORAM : MEHROZ K. PATHAN, J.

DATED : 21.01.2026

PER COURT :

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has approached this Court apprehending arrest in connection with FIR No. 411 of 2024 dated 07.11.2024, registered with Akkalkuwa Police Station, District Nandurbar, for the offences punishable under Sections 309(6), 311, 317(5) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. According to the prosecution, the informant is a businessman running a grocery shop at village Chimavadi in the State of Gujarat. On 06.11.2024, after collecting an amount of ₹2,50,000/- from his shop, the informant closed the shop at about 8:00 p.m. and proceeded towards his residence at Akkalkuwa, District Nandurbar.

While passing near the cremation ground at village Sorapada, two unknown persons intercepted him, threw chilli powder into his eyes, assaulted him with a stick on the head, and forcibly snatched the cash amount of ₹2,50,000/-, thereafter fleeing from the spot.

4. In respect of the said incident, the informant lodged a report on 07.11.2024 at Akkalkuwa Police Station, District Nandurbar, on the basis of which Crime No. 411 of 2024 came to be registered initially against unknown persons for offences punishable under Section 309(6) read with Section 3(5) of the Bharatiya Nyaya Sanhita. During the course of investigation, Sections 311 and 317(5) of the BNS were subsequently added. It is the case of the prosecution that during investigation it was revealed that the present applicant, along with co-accused, committed the said offence, and accordingly the applicant has been arraigned as an accused. Since the offences are non-bailable, the applicant apprehends arrest and has therefore approached this Court seeking pre-arrest bail.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present crime and that his name does not find place in the FIR, which is lodged against unknown persons. It is submitted that the investigation is already complete and the charge-sheet has been filed against the arrested accused. Nothing remains to be recovered at the instance of the present applicant and

therefore custodial interrogation of the applicant is not necessary. It is further submitted that though two criminal cases were earlier registered against the applicant, he has been acquitted in both. The applicant is ready to abide by any conditions that may be imposed by this Court. It is also submitted that the earlier anticipatory bail application filed by the applicant was withdrawn simpliciter without any adjudication on merits, and therefore the present application is maintainable, particularly after filing of the charge-sheet against the arrested accused.

6. As against this, learned APP strongly opposes the application. It is submitted that the name of the present applicant surfaced during investigation after the arrest of co-accused Shabir Shaikh Ishak. The offence is serious in nature, involving robbery of ₹2,50,000/- from the complainant. An amount of ₹1,26,000/- has been recovered at the instance of the arrested accused Shabir Shaikh Ishak. The investigation insofar as the present applicant is concerned is still incomplete. Though the applicant has been acquitted in earlier crimes, registration of those offences indicates his criminal antecedents. If released on bail, there is every likelihood that the applicant may again indulge in similar offences or may abscond and evade trial.

7. I have perused the investigation papers as well as the charge-

sheet filed against the arrested accused. The memorandum recorded under Section 23 of the Bharatiya Nyaya Sanhita of the arrested accused Shabir Shaikh Ishak reveals the involvement of the present applicant in the commission of the offence. It prima facie appears that after snatching the bag containing ₹2,50,000/- from the complainant, the bag was initially handed over to the present applicant, while the other accused fled from the spot. Subsequently, the arrested accused met the present applicant and retrieved the bag containing the robbed amount. The applicant, despite having been acquitted in earlier cases, has criminal antecedents, which cannot be completely ignored at this stage. There is a reasonable apprehension that if the applicant is granted anticipatory bail, he may take undue advantage of liberty and may indulge in similar offences. It is also noted that the earlier anticipatory bail application filed by the applicant was withdrawn without seeking liberty to file a fresh application.

8. Taking into consideration the material collected by the prosecution against the present applicant, I am not inclined to exercise discretion under Section 482 of the Bharatiya Nyaya Sanhita in favour of the applicant.

9. The application is, therefore, rejected.

(MEHROZ K. PATHAN, J.)