



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

925 ANTICIPATORY BAIL APPLICATION NO. 645 OF 2026

Sudhir Madhukar Bansode & anotherApplicants

VERSUS

The State of MaharashtraRespondent

MR. A. B. Chormal, Advocate for Applicants.

Mrs. P. J. Bharad, APP for the State.

Mr. A. S. Hazari, Advocate (appointed) for the Informant.

CORAM : R. M. JOSHI, J.

DATE : 10th JUNE, 2026.

PER COURT :

1. Applicants seek pre-arrest bail in connection with Crime No. 348/2025 registered with Shrirampur City Police Station, District Ahilyanagar, for the offences punishable under Sections 305(A), 331(1)(2), of the Bhartiya Nyaya Sanhita, 2023.

2. First informant Reena Bansode lodged report on 27.03.2025 stating that on 05.02.2025, she along with her husband, went to Pandharpur. However, her daughters were at home. It is further stated that on 11.02.2025 at about 3.30 pm, informant along with her son-in-law went to Ghodegaon. While going, she locked her house. On 23.03.2025, when she returned home, it was found that

the cupboard in the house was open and gold ring was missing. She also found that two water tanks kept in the courtyard were also missing. Similarly, seat of four wheeler vehicle was found missing. On enquiry with neighbours, she came to know that the present Applicants committed said theft. On the basis of said allegations, offence came to be registered against the Applicants.

3. Learned counsel for the Applicants submits that there are disputes between the parties and owing to the said dispute, possibility of false implication cannot be ruled out. It is his submission that there is absolutely no evidence on record to connect the present Applicants with the crime in question. He claims that there are no criminal antecedents against the Applicants and they are not likely to flee from justice.

4. Learned APP and learned counsel for the Informant opposed the application. Learned APP places reliance on statement of scrap dealer as well as two other witnesses which, according to her, sufficiently demonstrate involvement of present Applicants in the crime. It is further submitted that there is another crime bearing

Crime No. 716/2024 registered against the Applicants and hence, they are not entitled for bail.

5. At the outset, it needs to be recorded that there is delay in lodging the First Information Report. Delay does not become fatal in all cases however, when there are disputes between the parties, delay must be explained satisfactorily. As per the First Information Report, the incident of theft was revealed to the informant on 23.03.2025 however, report was lodged on 27.03.2025. There is no explanation provided in the First Information Report for belatedly reporting the incident to the police. This assumes importance in the light of the fact that there are disputes between the parties.

6. Prosecution is relying on statement of scrap dealer and claims that the present Applicants sold the seat of four wheeler vehicle to him. There is however, no further investigation done to identify the said seat to be the property belonging to the informant. The statement of witness Sahil indicates that at 2.00 pm, he has seen the plastic water tanks being taken away by the present Applicants. However, surprisingly, another witness claims that at 4.00 pm, he had seen the present Applicants emptying those water tanks. Thus,

on the face of it, the statements are concocted. Suffice it to say that the possibility of false implication of the Applicants exists here in this case. In view of the same, applicants' liberty deserves to be protected. Application, therefore, stands allowed in terms of the interim order dated 29.04.2026, except Clause No. (b).

(R. M. JOSHI, J.)

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