IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 3434 OF 2024

Yash Ganesh Bagade .....Applicant

Versus

The State of Maharashtra .....Respondent

Mr. Piyush Toshnival (Through V.C.) a/w. Mr. Aarya Ambulkar i/b. Mr. Ashish P. Pawar for Applicant.
Mr. S.H. Yadav, A.P.P. for the Respondent-State.
Officer : PSI Mr. Sambhaji Bhoskar, Shivajinagar Police Station, present.

Coram : ASHWIN D. BHOBE, J.

Date : 13th October 2026.

PER COURT :

1. Heard Mr. Piyush Toshniwal, learned Advocate for the Applicant and Mr. Yadav, learned A.P.P. for the Respondent-State.

2. On 18th December 2024, the following order was passed :

> *"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 25th 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 16th January 2024 and FIR No. 0480 of 2024 dated 7th 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 25th 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" 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 16th January 2025 (High on Board).”

3. Mr. Piyush Toshniwal, learned Advocate for the Applicant, states that the Applicant has appeared and cooperated with the Investigating Officer investigating Crime No. 0829 of 2024. He, on instructions from the Applicant, states that the Applicant shall continue to cooperate with the Investigating Officer and appear before the Investigating Officer and the Court, as and when required/ date fixed in the Court.

4. Mr. Piyush Toshniwal, learned Advocate for the Applicant, further states that the investigation in Crime No. 0829 of 2024 is complete and that the Respondent-State has filed a charge-sheet before the Court of the Judicial Magistrate First Class, Ichalkaranji, which is registered as RCC No. 129 of 2025. He submits that the Applicant is aware of the next date (22nd December 2026) fixed before the Judicial Magistrate First Class in the said proceedings and shall appear before the said Court on the next date of hearing.

5. Mr. Yadav, learned A.P.P. for the Respondent-State, on instructions from the Investigating Officer, states that the investigation in the said crime is complete, the charge-sheet has been filed, and the Investigating Officer is in the process of filing a supplementary charge-sheet. He therefore submit that the Applicant should appear before the Investigating Officer on 21st & 22nd October 2026.

6. Considering the statements made by Mr. Piyush Toshniwal, learned Advocate for the Applicant and Mr. Yadav, learned A.P.P. for the Respondent-State, the fact that the proceedings arising out of Crime No. 0829 of 2024 are now pending before the Judicial Magistrate First Class as RCC No. 129 of 2025, and that the Applicant has been on interim bail since 18th December 2024, with no allegations of breach of any of the bail conditions, this Application is allowed and the order dated 18th December 2024 is confirmed

and made absolute in terms of paragraphs 9(a) and 9(c).

7. The statement made by Mr. Piyush Toshniwal, learned Advocate for the Applicant, that the Applicant shall remain present before the Judicial Magistrate First Class, Ichalkaranji, on the next date i.e. 22nd December 2026 fixed in RCC No. 129 of 2025, is taken on record.

8. The Anticipatory Bail Application No. 3434 of 2024 is made absolute, subject to the following additional conditions:

ADDITIONAL CONDITIONS :

(a) The Applicant shall appear before the Investigating Officer on the 21/10/2026 and 22/10/2026, from 10:00 a.m. to 1:00 p.m..

(b) The statement made by Mr. Piyush Toshniwal, learned Advocate for the Applicant that the Applicant shall appear in RCC No. 129 of 2025 on the next date fixed before the Court of the Judicial Magistrate First Class is taken on record.

9. The Anticipatory Bail Application No. 3434 of 2024 is disposed of.

[ASHWIN D. BHOBE, J.]

OMKAR SHIVAHAR KUMBHAKARN
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Date: 2026.10.13 19:50:33 +0530