

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 278 OF 2026

Rohit Ramesh Shinde ...Applicant
Versus
The State Of Maharashtra And Another ...Respondents

Adv. Neha G. Deshpande i/b Adv. Hrishikesh Shinde, for Applicant.
Ms. S. N. Deshmukh, APP, for the Respondent-State.

CORAM : MEHROZ K. PATHAN, J.
DATE : 15th JUNE, 2026.

Digitally signed
by SHANTANU
SHANKARSA
DHUDUM
Date:
2026.06.16
15:52:30
+0530

P.C.

1. Heard learned counsel for the Applicant and learned APP for the Respondent-State.
2. The Applicant has approached this Court seeking anticipatory bail in connection with C.R. No.826 of 2025 registered with Sadar Bazar Police Station, Solapur City, District: Solapur, for the offences punishable under Sections 303(2) and 3(5) of the of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS").
3. The prosecution case is that, on 17/10/2025, informant & other members of flying squad had found that minerals (Murrum) were being transported illegally in Tippers bearing No.MH-46-AF-1180 & MH-13-DQ-2843. Ravikant Chougule was driver on Tipper

No. MH-46-AF-1180 and it was owned by Pruthviraj jadhav (Accused No.2). Prem Rathod was driver on Tipper bearing No.MH-13-DQ-2843 and it was owned by Dilip Nanaware (Accused No.4). Both the drivers were not possessing permits for transportation of minerals hence, Tippers were taken in custody. Separate panchanamas and report were prepared to that effect by the informant and his colleague Milind Patil. Both the Tippers were parked in the premises of Tahsildar Office at 2:00 a.m. of 18/10/2025. It was transpired on 18/10/2025 at about 9:45 a.m. that both the tippers were not available in the premises of Tahsildar Office. By raising a suspicion that theft of those tippers is committed by the drivers and owners thereof, report was lodged on 18/10/2025 on the basis of which, crime for the offences as mentioned above came to be registered against the drivers and owners of both tippers. In the course of investigation, it was found from the CCTV footage that all the accused along with the drivers and Vikram Dhotre had been to the premises of Tahsildar Office by Vista Car of Vikram Dhotre hence, their names came to be included as co-accused in the crime.

4. Learned counsel for the Applicant submits that the Applicant is not even named in the F.I.R. The F.I.R. is registered against the driver of vehicle bearing No. MH-46-AF-1180, namely Ravikant Chougule, and its owner, Prithviraj Jadhav. The other

vehicle bearing No. MH-13-DQ-2843 was also driven by the accused Prem Rathod, and its owner Dilip Nannaware has also been arraigned as an accused in the said crime. It is submitted that the Applicant is merely shown as the owner of the vehicle bearing No. MH-46-AF-1180 in the registration papers maintained by the Motor Vehicles Department. From the F.I.R. itself it would be seen that the trucks are returned back to the police station and are presently lying in the custody of the police. The only allegation in the F.I.R. is about the minerals which were being carried in the said trucks illegally. The said allegations cannot be attributed to the Applicant, as the Applicant was not neither found at the spot nor is there any allegations regarding his direct involvement in the commission of the offence. It is further submitted that the Applicant is having two identical offences, however the Applicant is not involved in the present crime. Merely because the Applicant is having antecedents, the custodial interrogation of the Applicant may not necessarily as there are no allegation in the present crime against the Applicant. Hence, the application may be allowed.

5. As against this the learned APP strongly opposes the anticipatory bail application on the ground that the Applicant is habitual offender involved in the cases of sand theft. It is further submitted that earlier two offences being F.I.R. No.313 of 2020

registered at Salgarvasti Police Station and F.I.R. No.329 of 2022 Taluka Police Station, Solapur. Though the Applicant is not named in the F.I.R however, the vehicles still stand in the name of the present Applicant in the R.C. document of the vehicle MH-46-AF-1180. Taking into consideration, the criminal antecedents of the Applicant there is every likelihood that the Applicant may again indulge into identical offences. Learned APP further submits that the Applicant is found to be in continuous conversation with the other co-accused who were found on the spot, in these call details record. Hence, requested to reject the application for releasing the Applicant on anticipatory bail.

6. I have gone through the investigations papers. A perusal of the investigation papers shows that in the F.I.R. itself it is stated that there are serious apprehension against the driver of the vehicle bearing No. MH-46-AF-1180, namely Ravikant Chougule and its owner shown as Prithviraj Jadhav. The other vehicle MH-13-DQ-2843 was driven by an accused Prem Rathod and alleged owned by the Dilip Nannaware. The name of the present Applicant does not find in the first information report, either as a person present at the time of seizure of those vehicles or as a person who had illegally taken possession of the vehicles from the police station. The police officer present in the Court assisting the learned APP informed that vehicles are returned back to the police station and are presently lying in

police custody. However, the minerals (Murrum) alleged transported in the said vehicles are found to be missing.

7. Since, the Applicant has been arraigned an accused primarily on account of his being reflected as the owner of the vehicle and there is no allegations directly in the F.I.R. against the present Applicant. I do not see any impediment in protecting the Applicant, however upon certain conditions. Hence, I pass following order.

ORDER

i. In the event of arrest of the Applicant - Rohit Ramesh Shinde in connection with C.R. No.826 of 2025 registered with Sadar Bazar Police Station, Solapur City, District: Solapur, for the offences punishable under Sections 303(2) and 3(5) of the of the Bharatiya Nyaya Sanhita, 2023 (for short, "BNS"), he be released on bail on furnishing P.R. Bond of Rs.50,000/- (Rupees Fifty Thousand) with one or two solvent sureties in the like amount, on following conditions:

- A) The Applicant shall attend the concerned police station on every Thursday and Friday between 11:00 a.m. to 1:00 p.m., till framing of the charge.
- B) The Applicant shall also co-operate with the investigation.
- C) The Applicant shall not indulge into any identical offence or sand theft.

- D) The Applicant shall not tamper with the prosecution evidence and shall not influence the witnesses.
- E) The Applicant shall submit his Aadhar Card and Pan Card copy to the Investigating Officer and detailed addresses and phone numbers of himself and two of the near relatives.
- F) A single violations of the conditions would entitle the prosecution to seek cancellation of the bail.

8. In view of the aforesaid terms and conditions, the application is allowed and also stands disposed of.

(MEHROZ K. PATHAN, J.)