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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2529 OF 2026

Arun Raghunath Madgude **...Applicant**
V/s.
State of Maharashtra **...Respondent**

Adv. Nikhil Wadikar a/w Adv. Pradip Zende, Adv. Kastur Patil, Adv. Pratik Deore for the Applicant.

Adv. Arfan Sait, APP for the Respondent – State.

Mr. Nilesh Patil, API, APMC Police Station is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 1ST OCTOBER 2026.

P.C. :-

1. Heard learned counsel for the applicant and learned APP for the respondent -State.

2. The applicant has filed instant application seeking pre-arrest bail in connection with FIR No. 417 of 2026 registered with APMC Police Station for offence punishable under Section 316(4) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023.

3. Learned counsel for the applicant submits that the offence is registered on the basis of allegations that this applicant has purchased some dry fruits from the main accused persons, which were allegedly stolen by them. He also submits that the applicant is a businessman who is trading in

dry fruits and there is no material to show that the applicant had any knowledge that the dry fruits were stolen property. Apart from this, he submits that the reasons for rejection of the anticipatory bail by the Sessions Court are absolutely unsustainable, since the applicant has got the document to show that on 24 September 2024, the applicant got retired as Mathadi worker and thereafter on 14 November 2024, he has got registered with a Udyam Registration Certificate in the name of Akash Enterprises, on the basis of which he is carrying on the business. In view of these documents, which are placed on record at page 65 and 67 of the application, the learned counsel for the applicant submits that the allegations about the monetary transactions made by this applicant in his business cannot be made any basis for implication of this applicant in the instant offence. He also states that there are no criminal antecedents against this applicant and he has attended the police station in accordance with interim order dated 8th September 2026 and prays for confirmation of interim protection order.

4. The learned APP for the respondent opposed the application by stating that the applicant was previously working as a Mathadi worker in APMC and it is alleged that he had knowledge about the stolen goods. There are monetary transactions between this applicant and the co-accused which shows nexus between the applicant and the alleged offense. Therefore, he submits that the applicant's custodial interrogation is necessary for further investigation.

5. Perused the FIR and documents filed on record. It is alleged in the report that the goods were stolen and this applicant had purchased the goods. It has to be noted that apart from bare allegations that this applicant has purchased the dry fruits, there is no material to show that he has any knowledge that the goods were stolen property. Considering the nature of allegations against the applicant and on perusal of the documents in the nature of retirement card and Udyam Registration Certificate, it *prima facie* appears that, the contentions of the prosecution about purchasing of dry fruits and the monetary transactions by this applicant cannot be connected with the offence. Also, there does not appear any need for custody of the applicant as he has extended the co-operation in accordance with interim protection granted by this Court and there is nothing to show that this applicant has misused the liberty.

6. Considering all the above aspects, the personal liberty of this applicant needs to be protected and hence, the interim protection granted to the applicant earlier needs to be confirmed, subject to certain conditions.

7. Hence I pass the following order

: ORDER :

i. The anticipatory bail application is allowed.

ii. In the event of arrest of the applicant in connection with FIR No. 417 of 2026 registered with APMC Police Station for offence

punishable under Section 316(4) read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, he be released on bail on furnishing P. R. Bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with one solvent surety of the like amount.

iii. The applicant is directed to attend the police station as and when called upon and shall cooperate during investigation and trial.

iv. The applicant shall not tamper with the prosecution evidence or influence the informant and witnesses, directly or indirectly.

v. The applicant shall produce documents related to bank transactions, if demanded by investigating agency.

vi. In the event, the applicant violates any of these conditions specified in this order, the same would be a ground for cancellation of anticipatory bail.

8. In view of this, the instant Anticipatory Bail Application is allowed and disposed of.

(PRAFULLA S. KHUBALKAR, J.)