IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2559 OF 2026

Rakesh Tukaram Koshti …Applicant

Versus

The State of Maharashtra …Respondent

Mr. Pratik Kalantri (through Video Conferencing) a/w. Mr. Mahesh Pawar, for the Applicant.
Mrs. M. R. Tidke, APP, for the Respondent-State.
Mr. Dattatraya Pote, PSI, attached to Sarkarwada Police Station, Nashik, present.

CORAM: MADHAV J. JAMDAR, J.
DATED : 5th OCTOBER 2026

PC:-

1. Heard Mr. Kalantri, learned Counsel appearing for the Applicant and Mrs. Tikde, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("**BNSS**") seeking pre-arrest bail in connection with C.R. No.275 of 2025 registered with Sarkarwada Police Station, Nashik, for the offences punishable under Sections 109, 140, 118(2), 191(3), 190, 351(2) and 352 of

the Bharatiya Nyaya Sanhita, 2023 ("**BNS**"), Sections 3, 25 of the Arms Act, 1959 and Section 135 of the Maharashtra Police Act, 1951.

3. It is the submission of Mr. Kalantri, learned Counsel appearing for the Applicant that the only role attributed to the Applicant is of harbouring the accused. He submits that there is no other role attributed to the Applicant. He submits that the Applicant is not involved in the crime. He further submits that although there are 11 antecedents, most of the antecedents were registered before 2017 and one antecedent is of the year 2023. He submits that the Applicant has been acquitted in six cases and details of the same are set out on page 5 and 6 of the Anticipatory Bail Application.

4. On the other hand, Mrs. Tidke, learned APP strongly opposes the Anticipatory Bail Application. She submits that the Applicant is involved in the crime. The Applicant has provided a vehicle to the main assailant when the main assailant had gone to Belgaum. She therefore, submits that the Anticipatory Bail Application be rejected.

5. The prosecution case is set out in paragraph No.2 of the order dated 24th August 2026, passed by the learned Additional Sessions Judge, Nashik, in Criminal Bail Application No.1607 of 2026, which reads as under:

> "*2. According to the prosecution, on 29-09-2025 at about 01-30 to 02-00 a.m. while the informant, his friend Sachin Sangale and Rishikesh Jadhav were proceeding towards Vise Square by car, at that time the accused Tukaram Chothave and Ajay Borisa along with 10 to 12 other associates came there in two cars and said had he came there to kill them. The scuffle started between them. Accused Ajay Borisa shot fire twice from the gun. The informant dodged the gun and saved his life. The accused and their associates then carried the informant in their 7-seater car to Ramwadi, Adarshnagar. Other accused taken Sachin Sangale and Rishikesh Jadhav in their car in the same direction. Informant's friend Sachin Sangale ran away from the spot. At that time the friend of informant namely Sachin Sangale started running from the spot, at that time accused Ajay Borisa fired gun towards Sachin but it was landed on the dickey of the car. The accused assaulted badly to the informant and his brother-in-law Rishikesh Jadhav by iron Tommy and fists and kick. The informant and the Rishikesh Jadhav sustained grievous fracture injuries. The accused Ajay Borisa and Tukaram Chothave having grudge against the informant on the count of their previous enmity attacked him with intention to kill. Hence, the report.*"

6. Even as per the prosecution case the Applicant is not involved in the main incident. The only role which is attributed to the present Applicant is that the present Applicant has provided a vehicle to the main assailant when has has gone to Belgaum. The said vehicle is standing in the name of Applicant's father. Thus, the only role attributed to the Applicant is harbouring the accused. Although there are 11 antecedents against the Applicant, most of the FIRs registered between the period from 2006 to 2017. The last offence is of the year 2023, where the Applicant has been acquitted.

7. Accordingly, the case is made out for grant of Anticipatory Bail by imposing stringent conditions. In view thereof, the following order is passed:

O R D E R

(a) In the event of arrest of the Applicant-Rakesh Tukaram Koshti in connection with C.R. No.275 of 2025 registered with the Sarkarwada Police Station, Nashik, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of

Rs.1,00,000/- with one or two solvent sureties in the like amount.

(b) The Applicant shall attend the concerned Police Station on **12th October 2026** and **13th October 2026** between 11:00 a.m. to 02:00 p.m. and shall cooperate with the investigation.

(c) The Applicant shall attend the concerned Police Station once in fifteen days on every first and third Sunday between 11:00 a.m. to 02:00 p.m. till conclusion of the trial.

(d) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.

(e) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.

(f) The Applicant shall not tamper with the prosecution

evidence and shall not contact or influence the Complainant or any witness in any manner.

(g) The Applicant shall not leave India without prior permission of the Court.

8. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]