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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO. 2917 OF 2026

Balasaheb Bhagwanrao Bedar ...Applicant
V/s.
State of Maharashtra ...Respondent

Mr. Siddharth Jagushte, for the Applicant.

Ms. Geeta Mulekar, APP for the Respondent – State.

Mr. Shahid Khan, PSI, Dahisar Police Station, is present.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 14th OCTOBER, 2026.

P.C. :-

1. Heard learned counsel for applicant as well as learned APP for respondent-State.

2. Apprehending arrest in connection with an offence bearing FIR No. 802 of 2025, registered with Dahisar Police Station for the offences under Sections 305, 331(4), 317(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, the applicant has filed the instant application under Section 482 of BNS.

3. The FIR is registered on the basis of the report lodged by the complainant, alleging that theft was committed from his jewellery

shop by breaking open the lock of the shop and since various silver ornaments were stolen, the offence was registered against unknown person.

4. Learned counsel for applicant submits that the applicant is involved in the business of purchase and sale of golden jewellery and the business is in the name of his brother. He submits that the applicant has apprehension of arrest in view of statement made by the person by name Hanumant Baburao Tambe, who is alleged to be the person who has committed the offence of theft. The allegation against this applicant is that the co-accused person, who has committed the offence of theft, has allegedly sold the silver ornaments to this applicant and on account of the discloser statement by the co-accused the applicant is likely to be arrested. He submits that there is no material to show that this applicant had any knowledge about the silver ornaments being stolen property. Apart from this, he submits that the co-accused has primarily stated that he had made transaction with the nephew of this applicant, by name Moreshwar Ganesh Bedare, who is arrested and released on bail in connection with the instant offence. He, therefore, submits that, since the only material against this applicant is statement of co-accused, the applicant's involvement is without any basis. By relying on judgment of Hon'ble

Supreme Court in the matter ***P. Krishna Mohan Reddy Vs. State of Andra Pradesh reported 2025 SCC Online 1157,*** he submits that the statement of co-accused is inadmissible and at this stage, the same cannot be used to deny anticipatory bail to the applicant.

5. The application is opposed by learned APP, who has submitted that the co-accused, by name Hunumant Tambe, has clearly disclosed the role played by this applicant in that he has purchased the stolen silver articles for a meager rate of Rs. 45,000 per Kg. She submits that, in view of statement of the co-accused, the applicant's involvement is clear and therefore, opposes the bail application.

6. Perused the FIR and the documents placed on record. It has to be noted that the applicant is not named in the FIR. The only material available against the applicant is statement of co-accused, as pointed out by learned APP. In view of the fact that, at this stage, the only material is statement of co-accused, the applicant's reliance on judgment of Hon'ble Supreme Court in P. Krishna Mohan Reddy (supra) appears to be appropriate. Although admissibility of the statement of co-accused would be subject matter of investigation, at this stage, the same cannot be relied upon while deciding the application for anticipatory bail.

7. Further, considering the fact that there are no criminal

antecedents against this applicant and considering his readiness to join the investigation, the instant application needs to be allowed. The presence of the applicant can be secured by directing him to join the investigation.

8. Hence I pass the following order.

: ORDER :

(i) Anticipatory Bail Application is allowed.

(ii) In the event of arrest of the applicant in connection with FIR No. 802 of 2025, registered with Dahisar Police Station for the offences under Sections 305, 331(4), 317(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, the Applicant may be released on bail on furnishing P.R. Bond of Rs. 25,000/- (Rupees Twenty 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 by the Investigating Agency.

(iv) The applicant shall not contact and influence the prosecution witnesses in any manner. The applicant shall extend cooperation during investigation and trial.

9. The Application is accordingly allowed and disposed of in above terms.

(PRAFULLA S. KHUBALKAR, J.)