



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (ABA) NO. 236 OF 2026

VRUSHABH S/O ASHOK KALE
VS

STATE OF MAHARASHTRA THR PSO., PS KHADAN, AKOLA TAH. AND DIST. AKOLA

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Shri N.R.Tekade, Advocate for applicant.
Ms. M.R.Kavimandan, APP for respondent/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 06th MAY, 2026.

This is an application for grant of anticipatory bail.

2. At the outset, the learned APP for the State has submitted that in spite of interim relief granted to the present applicant on 27/03/2026 by this Court, the applicant has not attended the concerned Police Station on a single occasion. She submits that there is a persistent default, which shows that the applicant has tendency to disobey the law. She further argued that even the charge-sheet is filed against the present applicant taking recourse to Section 335 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). According to the learned APP, the applicant has several criminal antecedents.

3. Per contra, the learned counsel for the applicant has argued that the applicant could not attend the concerned Police Station as one more FIR was registered against him, in which, he was without protection. He further submitted that though the charge-sheet is filed

against the present applicant by taking recourse to Section 335 of BNSS, it would not *ipso facto* disentitle him from claiming the bail. He further argued that just because there are criminal antecedents against the applicant that would not be a ground to reject the application.

4. At this juncture, it is necessary to mention here that initially, the offences under Sections 311, 128(c) & 351(2) of the Bharatiya Nyaya Sanhita, 2023 was registered against the accused and during the course of investigation, Section 111 of BNS came to be added and ultimately, the charge-sheet was filed against all 11 accused for commission of offences punishable under Sections 311, 128(c), 351(2), 111(1)(2), 2(k), (3),(4), 119(2), 127(2)(7) of BNS.

5. By now, it is well settled that the discretion to grant anticipatory bail can be exercised in favour of a person who has respect for the order passed by the Court. The discretion, which is required to be used for granting anticipatory bail, is to be exercised in favour of a person, who submits to the order passed by the Court. In the present matter, in spite of, there being specific direction to the applicant by this Court vide order dated 27/03/2026 to attend the concerned Police Station on every Tuesday and Friday between 10.00 a.m. to 2.00 p.m. for two weeks, the said order was not complied with. Just because one more FIR is registered against the applicant that would not be a ground to disobey the conditions imposed by the Court. The applicant could have very well filed an application for modification of the order or could have

pointed out the fact of registration of one more FIR against him when order dated 27/03/2026 was passed. The tendency of the applicant to disobey the order passed by this Court is crystal clear. In that view of the matter, the criminal application is **rejected**.

(RAJNISH R. VYAS, J.)

B.T.K.