



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

CRIMINAL APPLICATION (ABA) NO. 281 of 2026

(Shri Vijay s/o Sitaram Khawase Vs. The State, thr PSO, PS Kapil Nagar, Tq. Dist. Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Ms. Anushka Garse, Advocate for applicant.
Ms. D.V. Sapkal, APP for non-appliant/State.

CORAM: RAJNISH R. VYAS, J.

DATE: 04.05.2026

Apprehending arrest, in connection with Crime No. 67/2026, dated 12.2.2026, registered with Police Station, Kapil Nagar, Nagpur City, for the offences punishable under Sections 308(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant is before this Court.

2. Heard Ms. Anushka Garse, the learned counsel for the applicant and Ms. D.V. Sapkal, the learned APP for the non-applicant/State.

3. The learned counsel Ms. Garse, has argued as under:
i) There is delay in lodging of the First Information Report;
ii) Prima facie, case is not made out;
iii) The ingredients of offence registered are not made out;
iv) She has attended the Investigating Agency as per the directions issued by this Court while extending the benefit of ad-interim anticipatory bail.

4. Per contra, the learned APP Ms. Sapkal has argued as under:

- i) The applicant has criminal antecedents;
- ii) The mobile phone is yet not produced;
- iii) Prima facie material is available against the applicant.

5. With the able assistance of the learned counsel for the parties, I have perused the case record and the FIR.

6. The informant, namely Abdul Rizwan Bhure Khan Shaikh, has alleged that, he has valid business of purchasing and selling scrap material and that, in the month of January, 2025, an unknown person visited his shop and told him that, he was working as a reporter and runs a YouTube channel. The said unknown person then told the informant that, since the applicant sells the stolen property, he would have to pay the certain amount to him, else he would make the news viral regarding the same. The said person had demanded an amount of Rs. 10,000/- and finally, it was agreed that, an amount of Rs. 5,000/- would be paid by the informant to the applicant, which was accordingly paid to him. It is further alleged that, thereafter, the applicant in the month of December, 2025 and on 03/02/2026, again demanded the amount by advancing the same reason. On 03/02/2026, the informant refused to pay the amount to him, but ultimately, due to fear, on 10/2/2026, he paid an amount of Rs. 2,000/- by transferring it to his PhonePe Number. It is in this background that, the First Information Report/Crime was registered.

7. From the averment made in the FIR, it would crystal clear that the applicant has returned the amount of Rs. 2,000/- and has categorically stated in the message forwarded that he should not be implicated in false offence. Just because the applicant has a criminal antecedents, it would not be a sole ground to reject the application, as the involvement of the applicant in the FIR in question which will

have to be looked into. The record of the case also shows that there is delay in lodging the FIR. The learned APP has not disputed that the applicant has attended the police station. Though, the learned APP has contended that the mobile phone is required to be seized but on the basis of statement made by the learned counsel for the applicant that she will produce the mobile phone before the Investigating Officer to carry out smooth investigation, I am inclined to pass the following order:

ORDER

- i) The Criminal Application is allowed.
- ii) In the event of arrest in connection with Crime No. 67/2026, dated 12.2.2026, registered with Police Station, Kapil Nagar, Nagpur City, for the offences punishable under Sections 308(2) of the Bharatiya Nyaya Sanhita, 2023, the applicant namely, Vijay Sitaram Khawase, be released on bail on furnishing a P.R. bond of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount.
- iii) The applicant shall attend the concerned Police Station on 9th and 10th May, 2026, between 3.00 p.m. to 6.00 pm and cooperate with the Investigating Officer.
- iv) The applicant shall produce the mobile phone before the Investigating Officer.
- v) The applicant shall not tamper with the prosecution evidence or threaten the prosecution witnesses.
- vi) The applicant shall not leave the India without prior permission of the Court.

(RAJNISH R. VYAS, J.)