



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

CRIMINAL APPLICATION (ABA) NO.389/2026

Harshal s/o Pradip Mohte

Vs.

State of Maharashtra through P.S.O., P.S. Kalmeshwar, Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Jasprit Singh Chilotra, Advocate for applicant
Mrs M.R. Kavimandan, APP for respondent/State

CORAM : PRAVIN S. PATIL, J.

DATE : 08.06.2026

1. Heard.
2. By this application, the applicant is seeking the anticipatory bail in Crime No.269/2026 for the offences punishable under Sections 118(1), 352 and 3(5) of the Bhartiya Nyaya Sanhita registered with Police Station Kalmeshwar, District Nagpur.
3. The case of the prosecution in short is that on 25.03.2026, the informant/injured Alim Qureshi lodged the report alleging that on 24.03.2026, when he was travelling to Katol with Eisher vehicle having bullocks and cows loaded therein, there was attacked on the truck at about 2.30 a.m. The truck was punctured at Ghogli village and some persons started pelting stones on their truck. It is further alleged that he has seen that one wooden stick in the tyre of the truck has been attached and thereby the

truck was punctured. As such, according to the complainant, it was a pre-plan attack on him and, therefore, on his complaint, the offence is registered in the matter.

4. It is the submission of the present applicant that his name was not shown in the First information Report registered by the complainant. According to him, he has only mentioned the name of Chetan along with three unknown persons in the First Information Report. It is further submission of the present applicant that three persons who are shown in the First Information Report are namely Chaten, Lala and Nilesh.

5. In support of this submission, the applicant has also relied upon the reply filed by the complainant before the Sessions Court on 17.04.2026 and 30.04.2026. As such, it is the submission of the applicant that he is not at all involved in the alleged offence and, therefore, he is entitled for the anticipatory bail.

6. Learned APP has strongly opposed the present application. According to learned APP, the investigating officer has recorded additional statement of the complainant on 25.04.2026, whereby he has stated that the applicant/accused has taken his signature on blank paper while he was in hospital. According to learned APP, the applicant is trying to take disadvantage of said paper of not mentioning his name in the First Information Report and made a false submission before this Court.

7. It is further submission of learned APP that co-accused Chetan has disclosed the name of present applicant which is supported by CDR collected during the investigation. In addition to above, learned APP has pointed out there are criminal antecedents against the present applicant registered with the Police Station, Khapa and therefore, considering all these factual aspects, the applicant should not be released on bail as there are likely chances that applicant may tamper with the evidence.

8. After hearing both the parties at length, it is clear from the record that the complainant before the Sessions Court on 17.04.2026 and 30.04.2026 specifically stated that present applicant is not involved in the alleged offence. The said statements were made on oath. It is also pertinent to note that in the First Information Report though the applicant is well known person and associated with Gauraksha Organization since last more than five years, his name was not disclosed in the First Information Report. As such, prima facie involvement of the present applicant is not clear in the matter.

9. Learned APP has relied upon the letter dated 27.04.2026 which disclosed the name of applicant in the matter. However, said letter cannot be a reason to include the name of the applicant in the alleged offence unless source of such letter and its sanctity is established in the matter.

10. In my opinion, after conducting detail investigation, the investigating officer can verify the contents of the letter and if he found that applicant is involved in the matter, while filing the charge-sheet, he can include the name of applicant in the alleged offence.

11. In respect of submission of criminal antecedents, the applicant has relied upon two judgments of this Court reported in *Rajesh Darbarsing Thakur Vs. State of Maharashtra, AIR Online 2019 Bom 2555* and *Akash @ Tinu Suraj Gawli Vs. State of Maharashtra, thr. PSO, Hinganghat PS Dist. Wardha in Criminal Application (ABA) No.722/2025* of this Court. According to the said judgments, the criminal antecedents cannot be a reason to deny the bail to the applicant if he is prima facie not seen to be involved in the alleged offence.

12. It is further pertinent to note that the applicant being associated with Gauraksha Organization, and always remain ahead to protect the illegal transportation and slaughter of the cows, there is a possibility that only because in earlier incidence he was involved, his name is included in the present offence. Hence, the law laid down by this Court, is squarely applicable in the matter.

13. In the circumstances, considering the fact that complainant was not knowing the names of the assailants at the time of incident and further the complainant himself on oath stated before the Sessions Court that applicant is not

involved in the offence, in my opinion, he is entitled for the anticipatory bail and protection till the completion of the investigation. Accordingly, I proceed to pass the following order:

ORDER

- i) Criminal Application is allowed.
- ii) In the event of arrest in Crime No.269/2026 for the offences punishable under Sections 118(1), 352, 3(5) of the Bhartiya Nyaya Sanhita registered with Police Station Kalmeshwar, District Nagpur, the Applicant – Harshal s/o Pradip Mohte be released on bail on his executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.
- iii) The Applicant shall attend the Police Station, Kalmeshwar, District Nagpur, on every Monday and Friday till the filing of the charge-sheet and shall co-operate in the investigation.
- iv) The Applicant shall also attend the Police Station, Kalmeshwar, District Nagpur, if otherwise required on other days by the investigation officer with prior intimation from the investigation officer.
- v) The Applicant shall, at the time of execution of bond, furnish his address and telephone/mobile number(s) to the Investigating Officer and the Court concerned, and shall not change the same till the final

disposal of the case.

vi) The Applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any Police Officer.

vii) The Applicant shall not obstruct or hamper the police investigation and not play mischief with the evidence collected or yet to be collected by the Investigating officer.

viii) In case of breach of any conditions, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

14. The Criminal Application is disposed of accordingly.

(PRAVIN S. PATIL J.)

R.S. Sahare