



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

CRIMINAL APPLICATION (ABA) NO. 399 OF 2026
WITH
CRIMINAL APPLICATION (APPP) NO. 1706 OF 2026

Kamlesh S/o Tukaram Bandebuche
Vs.
State of Maharashtra through PSO, P.S. Mohadi, District Bhandara

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

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant
Shri N.B. Jawade, APP for respondent/State

CORAM : **NANDESH S. DESHPANDE, J.**
DATED : **19.05.2026**

Heard the learned Counsel for the applicant.

2. Learned Counsel for the applicant submits that the applicant is apprehending arrest in offence punishable under Sections 303(2), 49 and Section 3(5) of the BNS. He submits that no positive role has been attributed to the applicant. The only allegation against the present applicant is that the vehicle i.e. tipper which he was driving was carrying sand which has allegedly excavated illegally. He also submits that the investigation is complete and the charge sheet is filed. By taking me through the order of the Trial Court rejecting the application for anticipatory bail, he submits that the only reason which has weighed with the

Trial Court is that there is criminal antecedents. By placing reliance on a judgment of the reported in *2025 LiveLaw (SC) 929*, as also judgment in *Special Leave Petition (Cri.) No. 10587/2023* of the Hon'ble Apex Court in *Ayub Khan vs. State of Rajasthan*, the learned Counsel submits that criminal antecedents even though can be a factor while deciding the application for anticipatory bail but cannot be the sole factor. He further submits that the offence is punishable only up to three years and therefore prays for an ad-interim bail. Having perused the application for anticipatory bail and having considered the contentions of the learned Counsel for the applicant, as also the judgments relied on by him, at this stage, I am of the considered opinion that the applicant should be protected by granting an ad-interim anticipatory bail, since the investigation is complete and the charge-sheet is already filed and therefore no fruitful purpose would be served by putting the applicant in custody at present.

3. In view of the same following order is passed.

ORDER

- i) Issue notice to the respondents, returnable on 12.06.2026.
- ii) In the event of the arrest of the applicant; Kamlesh S/o Tukaram Bandebuche, in Crime No. 211/2026, registered with Police Station Mohadi, District Bhandara, for offence punishable under Sections 303(2), 49, 3(5) of BNS,

the said applicant may be released on ad-interim bail on furnishing the PR Bond of Rs.50,000/- with one solvent surety of like amount.

iii) The applicant shall attend the Police Station Mohadi, District Bhandara, on every Friday at 11:00 a.m.

iv) The applicant shall not tamper with the prosecution evidence and threaten the witnesses. He shall cooperate with the investigation agency.

v) The applicant shall not leave India without prior notice.

Learned APP waives notice for respondent/State.

(NANDESH S. DESHPANDE, J.)

Jayashree..