



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

CRIMINAL APPLICATION (ABA) NO.399/2026

Kamlesh s/o Tukaram Bandebuche

Vs.

The State of Maharashtra, through P.S.O., Police Station, Mohadi, District
Bhandara

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

Court's or Judge's orders

Shri R.M. Daga, Advocate for applicant
Mrs M.R. Kavimandan, APP for non-applicant/State

CORAM : PRAVIN S. PATIL, J.

DATE : 12.06.2026

1. By this application, the applicant is seeking anticipatory bail in Crime No.211/2026 registered with Police Station Mohadi, District Bhandara, for the offence punishable under Sections 303(2), 49, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. At the outset, the applicant has pointed out the order dated 19.05.2026 passed by this Court and particularly the findings recorded in paragraph No.2 of the order, which is recorded as under:

“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. The applicant further states that as per the interim order passed by this Court dated 19.05.2026, he has attended the Police Station as directed by this Court and thereby extended full co-operation to the investigating agency.

4. Learned APP, on instructions, stated that the applicant has attended the police station as per the directions of this Court and extended the full co-operation to the investigating officer.

5. In view of the fact that the applicant has extended co-operation as per the order passed by this Court, the custody of the applicant would not be necessary in the matter. Therefore, in terms of the order passed by this Court dated 19.05.2026, the interim protection granted by this Court is hereby confirmed.

6. It is only directed in the matter that applicant shall attend the police station as and when required by the investigating officer.

(PRAVIN S. PATIL J.)

R.S. Sahare