



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

CRIMINAL APPLICATION (ABA) NO.403 OF 2026

Sunil Vitthal Masirkar Vs. The State of Maharashtra

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

Court's or Judge's orders

Mr.A.M.Deshpande, advocate for the applicant.
Ms.D.I.Charliwar, APP for the State.

CORAM : RAJ D. WAKODE, J.

DATE : 29.05.2026

1. Heard learned Counsel for the applicant and learned Additional Public Prosecutor for the State.
2. The learned counsel for the applicant has invited my attention to the allegations in the First Information Report vide Crime No.0218/2025 registered with Padoli Police Station, Chandrapur, for the offence punishable under Sections 308(2), 308(5), 140(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. In the aforesaid FIR, the complainant had alleged the use of weapon i.e. Pistol against the co-accused Ketan Tagran and in the entire FIR, there is no allegations against the present applicant regarding the use of such weapon. The learned counsel for the applicant submits that the Investigating Officer after conducting the thorough investigation in pursuance to the aforesaid FIR No. 0218 of 2025 has filed the charge-sheet on 26.03.2026 bearing charge-sheet No.14 of 2026, which is on record at page No.41. Learned counsel for the applicant submits that in the entire charge-sheet, the Investigating Officer couldn't produce a single

material against the present applicant regarding the use of such weapon in the present offence. However, while opposing the grant of anticipatory bail, the Investigating Officer has opposed the application on the ground that the weapon is to be seized from the applicant and hence his custodial interrogation is required. The another ground on which the anticipatory bail to the applicant was opposed was on the ground of threat allegedly given to the complainant on 02.04.2026 by an unknown person.

4. The learned Sessions Court while rejecting the anticipatory bail application of the present applicant had recorded such findings regarding recovery of the weapon from the accused. So also the amount of Rs.9,00,000/- which is admittedly alleged against the main accused Ketan Tagran. The non applicant State has filed it's reply and in para 7 of the aforesaid reply also has opposed the present bail application of the applicant on the above two grounds i.e. recovery of the weapon and the extorted money of Rs.9,00,000/- from the applicant, which are not at all alleged against the present applicant as recorded above neither in the FIR nor by the investigating officer in the charge-sheet. Since the reply is filed, this matter can be heard finally on 08.06.2026.

5. In view of the above facts and circumstances of the case, I am inclined to release the present applicant on *ad-interim* anticipatory bail till the next date. Hence the following order :

(a) In the meanwhile, in the event of arrest, the applicant/accused in Crime No.0218/2025 registered with Padoli Police Station, Chandrapur, for the offence

punishable under Sections 308(2), 308(5), 140(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 be released on *ad-interim* anticipatory bail on his furnishing P.R. bond of Rs.50,000/- with one solvent surety in the like amount.

(b) The applicant shall attend concerned Police Station on every Monday and Friday in between 11.00 am to 1.00 pm until further orders.

(c) The applicant/accused shall co-operate with the Investigating Agency.

(d) The applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.

(e) The applicant/accused shall provide their residential address and cell number to the concerned Investigating Officer where they intend to reside.

(f) The applicant shall not enter the limits of proper Rajura apart from the date of attendance till next date.

(g) Breach of either of condition would give rise to the prosecution to move this Court for cancellation of bail.

(RAJ D. WAKODE, J.)