



21.ABA.403.2026.odt

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

CRIMINAL APPLICATION (ABA) NO. 403 OF 2026

(Sunil Vitthal Masirkar V/s 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 Applicant.
Mr. A. M. Ghogare, APP for Non-applicant/State.

CORAM : PRAVIN S. PATIL, J.
DATE : JUNE 15, 2026.

Heard.

2. By the present Application, Applicant is seeking pre arrest bail in Crime No. 218/2025 registered with Police Station, Padoli, Chandrapur for the offence punishable under Sections 308(2), 308(5), 140(2), 61 and 238 read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023.

3. The learned Counsel for Applicant, at the outset has pointed out that this Court, vide order dated 29/5/2026, has granted ad interim protection and observed in paragraph Nos.3 and 4 as under :

“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 chargesheet on 26.03.2026 bearing chargesheet No.14 of 2026, which is on record at page No.41. Learned Counsel for the applicant submits that that in the entire chargesheet, 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 chargesheet. Since the reply is filed, this matter can be heard finally on 08.06.2026."

The learned Counsel for Applicant further states that as per the conditions imposed by this Court, the Applicant has attended the

Police Station and extended his co-operation with the investigation agency. It is further pointed out that chargesheet is already filed in the matter, and therefore, custody of the Applicant is not at all required in the matter.

4. The learned APP, though opposed the present Application, has fairly stated that the Applicant has strictly followed the conditions which were imposed by this Court while granting ad interim protection vide order dated 29/5/2026.

5. In the facts and circumstances of the present matter, since the Applicant has extended his co-operation in the investigation and chargesheet is already filed, in my opinion, custody of the Applicant is not necessary in the matter. Accordingly, the Applicant is entitled for pre-arrest bail. In the result, following order is passed.

ORDER

1. Criminal Application is allowed.
2. In the event of arrest in Crime No. 218/2025 registered with Police Station, Padoli, Chandrapur for the offence punishable under Sections 308(2), 308(5), 140(2), 61 and 238 read with Section 3(5) of Bhartiya Nyaya Sanhita, 2023, the Applicant – Sunil Vitthal Masirkar be released on furnishing PR Bond in the sum of Rs. 50,000/- with one solvent surety in the like amount.

3. The Applicant shall continue to co-operate with the Investigation Officer as and when directed by the Investigation Officer by issuing pre-intimation notice to the Applicant.
4. The Investigation Officer is directed to give one day prior intimation to the Applicant as and when his presence is required.
5. 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.
6. 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/her from disclosing such facts to the Court or any Police Officer.
7. 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 Police.
8. The Applicant shall maintain law and order.
9. In case of breach of any condition, the learned trial court is at liberty to cancel the bail after giving opportunity of hearing to both the sides.

6. The Criminal Application stands disposed of accordingly.

7. In view of disposal of the present Application, pending Criminal Application No. 1711/2026 does not survive. The same stands disposed of accordingly.

[PRAVIN S. PATIL, J.]

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