Sharada

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.3920 OF 2026

Anil Bhoru Kharate .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Abhishek Yende a/w Mr. Sagar Paspohe i/b Yende Legal Associates, Advocates for Applicant.
- Mr. Amit A. Palkar, APP for Respondent.

SHARADA RANGNATH WAHULE

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 19, 2026

P.C.:

1. Heard Mr. Yende, learned Advocate for Applicant and Mr. Palkar, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.233 of 2023 registered with Indira Nagar Police Station, Nashik for offences punishable under Sections 363, 364, 364-A, 120B, 386, 201, 341, 342, 368 read with Section 34 of the Indian Penal Code, 1860 read with Sections 3 and 25 of the Arms Act, 1959.

3. The Applicant is arraigned as an accused in the present case and has been in custody for the past three years and one month. The role attributed to the Applicant is that he allegedly provided information about the victim to the other co-accused persons.

According to the prosecution, all eight accused persons conspired to commit the crime in question.

4. However, prima facie, there is no specific incriminating material against the Applicant, save and except the aforesaid allegation that he provided information about the whereabouts of the victim to the other co-accused persons, as stated in the complaint filed by the prosecution. There is also reference to the statements recorded under Section 164 of the Code of Criminal Procedure, the details of which need not be discussed at this stage.

5. As regards the proceeds of the crime, an amount of Rs. 2 crores is alleged to have changed hands. According to the prosecution, the Applicant was present when the said amount was exchanged. It is further alleged that the Applicant received Rs. 20 lakhs out of the proceeds of the crime. Nevertheless, the Applicant is not alleged to be the principal accused. The four other accused persons are stated to be the principal perpetrators of the crime in question.

6. Considering the aforesaid prima facie facts, the fact that the trial has commenced against the arrested accused persons, that three witnesses have been examined to date, and the prolonged incarceration of the Applicant, I am inclined to grant bail to the Applicant.

7. While deciding the Applicant's second bail application, this

Court had directed that the trial be concluded within six months. However, owing to various issues, including those attributable to the prosecution, the trial has not been concluded within the stipulated period.

8. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from prison in connection with CR.No.233 of 2023;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.15,000/- (Rs. Fifteen Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Monday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek

unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

9. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

10. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]