

MHKO010030092026



In the Sessions Court, Kolhapur, at Kolhapur

(Presided over by R. V. Utpat, Additional Sessions Judge, Kolhapur)

Cri. Bail Appln. No. 728/2026

Ashwini Bajirao Waydande

.. Applicant-Accused

Versus

**The State of Maharashtra
Through Rajarampuri P Stn.**

.. Opponent

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Appearance:-

Ld. Adv. Shri. Vishwajeet Nalavade and Shubham Dhobale for the Applicant.

Ld. APP Smt. M. B. Patil, for the State.

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Order below Exh. 1

1. The applicant is seeking bail U/Sec.482 of the Bharatiya Nagarik Surksha Sanhita, 2023 in anticipation of her arrest in Crime No.439/2026, registered at the Rajarampuri Police Station for offence punishable U/Secs. 303 (2) of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the FIR lodged by one Rupali Kalkutki stating that, she is residing at Jaysingpur and running a beauty parlor. The applicant is her friend and on 19/07/2026, the applicant had asked her whether she was willing to participate as Model for nail arts at "Sayali Makeover," Rajarampuri, Kolhapur. Thereafter, on 20/07/2026, at about 10.30, the applicant

and the informant went to Kolhapur on applicant's moped. The informant was carrying her purse in which she had kept her broken gold Mangalsutra weighing 14 grams and gold finger ring weighing 7 grams. The informant had told the applicant that, she wanted to get the Mangalsutra repaired at Kolhapur. They both reached at Sayali Makeover at about 11.45 a.m. . At that time, the informant had kept her purse on her lap. After some time, since the informant was required to get her nails photographs, she kept her purse on a table, opened its zip and requested one Nisha to take out mobile phone from her purse. Thereafter, she zipped the purse and went along with one Naznin on the stage. At that time, the applicant and Nisha were nearby. After 15 minutes, the informant returned, but the purse was not where it was kept and it was near the place, where the applicant was previously sitting. After some time, the applicant and informant left Sayali Makeover at about 4.30 p.m.. Then the applicant purchased some snacks and they went to the house of the applicant's sister. The informant wanted to use the washroom and she kept her purse on the chair, in which she was sitting. Then she went to the washroom. After 5 to 7 minutes she returned and noticed that, the zip of the purse was open and the Mangalsutra and finger ring were not there. The applicant asked her to check it properly and then told that, the ornaments might have been taken by Nisha. Therefore, the applicant and the informant went to Sayali Makeover and informed the owner about the same. Then, they checked purses of all the staff as well as dustbin but, the ornaments were not found. The applicant told the informant that, she might not have brought the Mangalsutra with her and they should check it at Jaysingpur. Hence, they returned to Jaysingpur, but the Mangalsutra and finger ring were not found at the house. Thereafter, they went to Jaysingpur Police Station at night

for lodging the report, but the Police asked them to go to Kolhapur to lodge report. The informant was told by the owner of “Saj Parlour”; where the applicant was previously employed that, she had seen the applicant taking articles from the parlour previously. The informant suspected that, her ornaments might have been taken by the applicant, as the applicant was knowing that, the ornaments were kept in the purse by her. Accordingly, she lodged report with the Police against the applicant.

3. The applicant has sought bail on the grounds that, she has not committed any offence as alleged and the FIR is lodged merely on suspicion. She was not only assisting the informant while searching for the missing ornaments, but had also accompanied the informant to the Police Station. She came to know about the crime registered against her only because of a defamatory news article published in a newspaper. She is having deep roots in the society and ready to co-operate with the Investigating machinery and her custodial interrogation is not necessary.

4. The State has resisted the application on the grounds that, the applicant was served with notice U/Sec. 35(3), (6) of the BNSS, but she did not turn up. The stolen muddemal is to be recovered and it is necessary to investigate by interrogating the applicant.

5. I have heard Ld. Advocate for the applicant and Ld. APP for the State.

6. It is submitted on behalf of the applicant that, the crime is registered merely on the basis of suspicion and there is no direct or

indirect material against the applicant. It is also submitted that, the applicant had voluntarily gone to the Police Station along with the informant and she is ready to co-operate with the Investigating machinery. It is further submitted that, the Notice U/Sec.35(3)(6) was not actually served but, only applicant's signature was taken. It is also submitted that, the applicant is ready to abide by any conditions that may be imposed.

7. Per contra, it is submitted on behalf of the State that, the applicant neither responded to the notice U/Sec. 35 (3), (6) of the BNSS, nor she was traceable. It is also submitted that, the stolen muddemal is yet to be recovered and custodial interrogation is necessary. It is further submitted that, the applicant may flee from justice if enlarged on bail.

8. I have given thoughtful consideration to the rival submissions.

9. From the FIR, it becomes clear that, since the applicant knew that, the ornaments were in the purse, and since the informant had left the purse while going on the stage for some time, she suspected that, the ornaments might have been taken by the applicant. There is nothing in the FIR indicating that, anybody witnessed the applicant actually taking the ornaments. It is also alleged that, the informant and the applicant had gone to the house of the applicant's sister and for a short period of time, the purse was kept on a chair, when the informant had gone to the washroom. It is pertinent to note that, at the nail arts competition venue as well as at the house of her sister, the applicant was not alone with the purse. The FIR is based on suspicion alone.

10. As far notice U/Sec.35(3) and (6) is concerned, the provisions state that, the Police Officer shall in all cases where the arrest of a person is not required under sub section 1, issue a notice directing the person against whom reasonable complaint has been made or credible information has been received or reasonable suspicion exists that he has committed a cognizable offence, to appear before him or at such other place as may be specified in the notice and where such person at any time fails to comply with the terms of notice or he is not willing to identify himself, the Police Officer may subject to such order as may have been passed by Competent Court in this behalf, arrest him for the offence mentioned in the notice. Whether the notice is actually served on the applicant or not, may be a question of fact, but one thing is clear that, the Investigating Officer did not require to arrest the applicant under sub-section (1), hence he issued the notice. Let that as it may, as stated earlier the Fir is lodged on suspicion alone. The applicant being a lady, in the peculiar facts and circumstances as noted above, it will be just and proper to enlarge her on anticipatory bail with some conditions. As far interrogation is concerned, condition of attendance can serve the purpose of the Investigating machinery. Hence, I pass the following order.

Order

1)	The application is allowed.
2)	In the event of her arrest in Crime No.439/2026, registered at the Rajarampuri Police Station for offence punishable U/Secs. 303 (2) of the Bharatiya Nyaya Sanhita, 2023, the applicant - Ashwini Bajirao Waydande be released on P. B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand only) on the following conditions :
i)	The applicant shall not tamper with the

		prosecution evidence and shall not pressurize the witnesses.
	ii)	The applicant shall at the time of execution of bond, furnish documentary proof in respect of her residential address and shall also furnish her mobile number along with mobile numbers of her two relatives and shall inform any change in it to the concerned Investigating Officer.
	iii)	The applicant shall not commit any offence similar to the offence alleged against her.
	iv)	The applicant shall attend the concerned police station on every Monday between 10.00 to 11-00 a.m. till filing of the charge-sheet or further orders and co-operate with the Investigating machinery.
3)	Since the bail application is filed online, separate physical copy of this order is not maintained. All concerned to act upon digitally signed copy of this order uploaded online.	

Date : 01/08/2026.

(R. V. Utpat)
Additional Sessions Judge,
Kolhapur.