

**IN THE COURT OF THE ADDL. SESSIONS JUDGE AT AMBAJOGAI,
DISTRICT BEED**

Criminal Bail Application No. 76 of 2026

Sohel s/o Mustafa Shaikh,

Versus

The State of Maharashtra,

ORDER BELOW EXH.1

A. Case Details

Crime No. 34/2026 is registered at Police Station Ambajogai City, Tq. Ambajogai, Dist. Beed for offences punishable under Sections 305, 331(4), 112 r/w 35 of Bharatiya Nyaya Sanhita, 2023. The FIR came to be registered on 30.01.2026 at 14.19 hours on complaint of Kazi Mohd. Alimuddin Karimuddin s/o Mohd., aged major, R/o Barbhai Galli, Ambajogai (mobile 9168157786). As per complaint, complainant alongwith family members had gone to Pathri on 28.01.2026 morning leaving house locked. On 29.01.2026 evening, neighbour informed house door found open. On reaching house, found articles scattered and theft of gold ornaments worth Rs.2,17,500/- (son's wife's jewellery), Rs.7,40,000/- (wife's gold + cash Rs.3 lakhs), Rs.1,50,000/- (cash + son's gold chain) totaling Rs.11,07,500/-. CCTV footage showed two unknown persons entering house at 01.25 hours on 29.01.2026 using duplicate keys.

B. Role Ascribed to Applicant

Applicant named subsequently. No role in FIR (unknown accused). During investigation, co-accused Pathan Mohd. Riyaj and Salman Shaikh arrested on 09.02.2026 and remanded; some gold (1.90 tola worth Rs.65,000/-, 52 coins Rs.2,60,000/- etc. totaling Rs.6,15,000/- approx.) seized from them. Applicant's name figured in remand yadi dated 09.02.2026. Police sought to arrest him. Applicant apprehends arrest.

C. Investigation Status

Investigation ongoing. Spot panchnama dated 30.01.2026; statements of complainant/panchas recorded; CCTV seized; some stolen property recovered from co-accused; applicants disclosure expected for balance recovery. No arrest of applicant as yet.App_Say_Dt-20-03.pdf+1

D. Criminal Antecedents

Applicant claims no criminal antecedents. Nothing contrary on record.

E. Previous Bail Applications

First anticipatory bail application. No prior bail sought.

F. Coercive Process/Custody

2. Applicant not arrested. Seeks pre-arrest bail u/s.482 BNSS fearing arrest.

3. Heard Shri A.R. Lomte, learned counsel holding for Applicant and Shri S.V. Munde, learned Additional Public Prosecutor for the

Respondent-State. Gone through the anticipatory bail application, supporting affidavit, annexures thereto, FIR, spot panchnama, seized muddamal property list, statements recorded, remand papers of co-accused, 'Say' of learned APP dated 04.03.2026, 'Say' of Investigating Officer dated 04.03.2026 and other record.

4. Learned counsel for the applicant has argued that his client is totally innocent and falsely implicated in the case. He submitted that the name of applicant does not figure in the FIR lodged on 30.01.2026 nor in any remand papers prior to 09.02.2026. According to him, material investigation stands almost complete since spot panchnama is already conducted, statements of witnesses recorded and substantial stolen property recovered from co-accused. He urged that only formality of filing charge-sheet remains and custodial interrogation of applicant is not necessary. There is no specific recovery anticipated from the applicant. He further pointed out delay in naming the applicant which creates suspicion about his involvement. Role attributed to him is vague and general. Applicant is ready to extend full cooperation to investigating agency. He placed reliance on applicant's local business establishment and deep family roots in Ambajogai to urge that there is no risk of absconding.

5. Learned Additional Public Prosecutor & I.O. has vehemently opposed the application by filling say below Exh. 10 & 09. They submitted that investigation is still incomplete and offence involved is of very serious nature being house breaking and theft of valuables worth more than Rs.11 lakhs. According to him, applicant's involvement is

prima facie established from investigation. If released on anticipatory bail, there is every likelihood of applicant pressurizing the witnesses, committing similar offence again or becoming unavailable for trial. He specifically stressed that custodial interrogation of applicant is necessary for recovery of balance muddamal articles worth Rs.4-5 lakhs. Prosecution has strong objection to grant of bail.

6. I have heard both sides at considerable length and meticulously perused the entire record placed before me.

7. The present offence pertains to house breaking and theft of gold ornaments and cash aggregating to whopping Rs.11,07,500/-. The modus operandi adopted by offenders reflects organised crime inasmuch as they used duplicate keys to gain entry into locked house in wee hours and entire incident captured on CCTV camera. Though some stolen property has been recovered from co-accused after their arrest, substantial balance articles are yet to be traced. The applicant came to be named subsequently after arrest of co-accused which reasonably suggests his linkage with crime, possibly for disposal of remaining stolen property. Investigating Officer has categorically stated in his 'Say' that custodial remand of applicant is essential to elicit disclosure statement under Section 27 of the Evidence Act for recovery of balance muddamal. Granting anticipatory bail at this crucial juncture would seriously hamper effective investigation and defeat ends of justice.

8. No doubt, applicant is not named in FIR and no direct recovery effected from him so far, however bail jurisdiction is discretionary in nature. Hon'ble Supreme Court has held in *Prahlad*

Singh Bhati v. NCT of Delhi (2001) 4 SCC 280 that personal liberty is not absolute and must yield to larger societal interest and investigation imperatives. Similarly in *Sushila Aggarwal v. State (NCT of Delhi)* (2020) 5 SCC 1, Apex Court clarified scope of anticipatory bail. Applying triple test enunciated in *Siddharam Satlingappa Mhetre v. State of Maharashtra* (2011) 1 SCC 694, I find that nature and gravity of accusation, reasonable apprehension of applicant tampering with evidence or absconding and genuine need for custodial interrogation tilt balance against grant of bail. Finding no merit, application deserves rejection. Hence, I proceed to pass following order.

ORDER

1. Criminal bail application No. 76/2026 stands rejected.

Dt. 31/03/2026

Ambajogai

(Dr. Rachna R. Tehra)

Addl. Sessions Judge,

Ambajogai

Certificate

I affirm that, the contents of this P.D.F file are word to word as per original Judgment / order.

Dictated on : 31/03/2026

Transcribed on : 31/03/2026

Checked and signed on : 31/03/2026

Sd/-

(Kailas D. Chavan)

Stenographer