

MHBU20-000259-2026 :: 1:: Criminal Bail Application No. 118/2026

Anticipatory Bail Application

Safal @ Harshal Ananda Pakhare Vs. State

Applicant - **Safal @ Harshal Ananda Pakhare** has filed anticipatory bail application for grant of bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita.

(A) CASE DETAILS

Sr. No.	Particular	Description
[01]	FIR Number & Date	F.I.R. No. 03/2026 Dated 05.01.2026
[02]	Police Station, District and State	Police Station, Mehkar, Tq. Mehkar, Dist. Buldhana
[03]	Sections invoked	U/s 137(2) of the Bharatiya Nyaya Sanhita
[04]	Maximum punishment prescribed	7 years

(B) CUSTODY & PROCEDURAL COMPLIANCE

Sr. No.	Particular	Description
[01]	Date of Arrest	--
[02]	Total period of custody undergone	--

(C) STATUS OF TRIAL

Sr. No.	Particular	Description
[01]	Stage of proceedings (Investigation / Charge-sheet / Cognizance / Framing of Charges / Trial)	Investigation
[02]	Total number of witnesses cited in the charge-sheet	--

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[03]	Number of prosecution witnesses examined	--
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(D) CRIMINAL ANTECEDENTS

Sr. No.	Particular	Description
[01]	FIR No. & Police Station	--
[02]	Sections	--
[03]	Status (Pending / Acquitted Convicted)	--

(E) PREVIOUS BAIL APPLICATIONS

Sr. No.	Particular	Description
[01]	Court	--
[02]	Case No.	--
[03]	Outcome of case	--

(F) COERCIVE PROCESS

Sr. No.	Particular	Description
[01]	Whether any Non-Bailable Warrant was issued	--
[02]	Whether declared a proclaimed offender	--

ORDER BELOW EXH. 1

(Passed on this 06th Day of July, 2026)

02] It is the case of prosecution that on 05.01.2026 at about 02:00 a.m., when the informant woke up to answer the call of nature, she found that her daughter/victim was not present in the

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house. Informant and her husband searched for the victim, but she was not found. Accused Harshal Ananda Pakhare always used to talk with victim. Therefore, they went to the house of accused Harshal, r/o village Dudha Brahmapuri. Accused Harshal was also not found at his house. His father said that Harshal did not listen to him, he left the house around 09:00 p.m. and his whereabouts were not known. At the time of leaving the house, victim took VI Company SIM card No. 9763830880, Rs. 40,000/- cash and Rs. 20,000/- attached in the bank account of her father. Victim also took clothes and her related documents. On the pretext of false promise of marriage, accused Harshal Ananda Pakhre eloped/abducted the minor victim aged about 15 years. Therefore, informant lodged report against the accused at Police Station, Mehkar. Accordingly, offence came to be registered.

03] Perused the application and heard the learned Advocate Mr. N. B. Sangale. He submits that an anticipatory bail can be granted if the accused has apprehension of arrest. It is his submission that the applicant may be arrested for non-bailable offences. Though the offences are bailable as per the F.I.R., but later-on non-bailable offences can be added, therefore, the applicant be protected from arrest. The learned Advocate relied upon the Hon'ble authority i.e. **Gurbaksh Singh Sibbia and Others Vs. State of Punjab, reported in (1980) 2 Supreme Court Cases 565.**

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04] It is the one line submission of learned A.G.P. Smt. Sonali Sawaji that the offence being bailable, the application is not maintainable.

05] The applicant is seeking anticipatory bail in crime No. 3/2026 which is registered for the offence punishable under Section 137(2) of the Bharatiya Nyaya Sanhita. The offence is bailable. Now it is the submission of applicant that the non-bailable offence may be added and he may be arrested. On perusal of contention in the application, I do not find that the applicant has reason to believe that he may be arrested in non-bailable offence. The Hon'ble Authority relied by the applicant has held in para No. 35 that -

Section 438(1) of the Code lays down a condition which has to be satisfied before anticipatory bail can be granted. The applicant must show that he has "reason to believe" that he may be arrested for a non-bailable offence. The use of the expression "reason to believe" shows that the belief that the applicant may be so arrested must be founded on reasonable grounds. Mere 'fear' is not 'belief', for which reason it is not enough for the applicant to show that he has some sort of a vague apprehension that some one is going to make an accusation against him, in pursuance of which he may be arrested. The grounds on which the belief of the

applicant is based that he may be arrested for a non-bailable offence, must be capable of being examined by the court objectively, because it is then alone that the court can determine whether the applicant has reason to believe that he may be so arrested. Section 438(1), therefore, cannot be invoked on the basis of vague and general allegations, as if to arm oneself in perpetuity against a possible arrest. Otherwise, the number of applications for anticipatory bail will be as large as, at any rate, the adult populace. Anticipatory bail is a device to secure the individual's liberty; it is neither a passport to the commission of crimes nor a shield against any and all kinds of accusations, likely or unlikely.

06] In view of Hon'ble Authority, registration of F.I.R. is not needed, but the applicant should have reasonable belief and well founded apprehension that he is likely to be arrested in non-bailable offence. The provision of Section 482 Bharatiya Nagarik Suraksha Sanhita itself is clear that when any person has reason to believe that he may be arrested on an accusation of having committed a **non-bailable offence**, he may apply for anticipatory bail. In view of provision and as per the Hon'ble Authority relied by the applicant himself, he has no reasonable belief of arrest in non-bailable offence, therefore, the application being not maintainable, deserve to be rejected. Hence, following order.

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- O R D E R -

Anticipatory Bail Application No. 118/2026 is rejected.

(Dictated and pronounced in open court)

Date: 06.07.2026

Place: Mehkar

(Anuj Ramkrishna Kamble)

Additional Sessions Judge

Mehkar, Dist. Buldhana

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CERTIFICATE

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court : Shri. Anuj Ramkrishna Kamble
Additional Sessions Judge, Mehkar,
Dist. Buldhana.

Name of Steno : Shaikh Imran Abdul Rauf,
Stenographer, Grade-1, Mehkar.

Date : 06.07.2026