

CNR NO. MHPU140001322026

Prakash Ashok Jadhav and anr.



Vs.

State of Maharashtra

**ORDER BELOW EXH.1**  
**(Passed on : 09.03.2026)**

1] This is an application under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of anticipatory bail in respect of Crime No.5/2026 registered with Vadgaon Nimbalkar Police Station for the offences punishable U/s. 303(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2] Perused the application and reply thereon. Heard Ld. Counsel for accused, informant and Ld. APP

3] It is the case of prosecution that informant was having 4 goats and 1 buck. On dt.04.01.2026 at about 10.00 p.m. he gave feed to his goats and he-goat and went into sleep. On 05.01.2026 at about 1.30 p.m. when he woke up he found that 3 goats and 1 buck was not there in the goat barn. Accordingly, he took search. However, he did not find those goats and buck. As such, informant lodged report about the same with Vadgaon Nimbalkar police station regarding theft of above-said goats and he-goat.

4] Ld. Counsel for the applicant/accused submitted that applicants are falsely implicated in the alleged offence. There is no need of their further custody as nothing is remained to be recovered

from the accused. Applicants are ready to abide the conditions imposed by the Court. Hence, it is prayed to grant pre-arrest bail to the applicants/accused.

5] Ld. APP and investigating officer have resisted the application on the ground that the offence is of serious in nature. Several offences are registered against the accused. Therefore, their custody and interrogation is necessary to unfold the case of prosecution. As such, grant of anticipatory bail would seriously affect the further investigation of the offence. Hence, it is prayed to reject the application.

6] It is significant to note that for exercising the power of grant of anticipatory bail, there is no requirement that accused must make out a 'special case'. It is well settled that the object of granting an anticipatory bail is to safeguard personal liberty of the individual and to protect him from the possibility of being humiliated or say unnecessarily harassed by the police by taking him into custody. However, while doing so, a delicate balance is to be established in between the right of personal liberty of an individual, who is apprehending his arrest, and the societal interest. Similarly, it is also well settled that while dealing with anticipatory bail application, the nature and gravity of the accusation and the exact role of the accused especially implication of accused with the help of S.3(5) and 190 of Bhartiya Nyaya Sanhita, 2023 (S.34 and 149 of IPC) must be properly comprehended. In *Siddharam Mhetre Vs. State of Maharashtra* reported in *MANU/SC/1012/2010* Hon'ble Apex Court

held that in the event there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

7] Accordingly, I proceed to adjudicate the present application by keeping in mind aforesaid broad principles of grant of anticipatory bail.

8] Reply filed by investigating officer and Ld. APP shows that in as much as 13 cases are previously registered against applicant no.1 Prakash and 2 cases are previously registered against applicant no.2 Mayur. Huge quantity of stolen goats and he-goats are recovered from the possession of co-accused. Moreover, it is the contention of investigating officer that names of both the applicants are revealed from the interrogation of other accused. In these facts and circumstances of the case and considering the involvement of both the applicants in the alleged offence, their custodial interrogation is necessary for further effective investigation of the offence. Hence, I hold that applicants are not entitled to have anticipatory bail as prayed. Hence, I pass the following order :

**ORDER**

Application is hereby rejected.

**Baramati**  
Date : 09.03.2026

**(Hitendra Urmila Anilkumar Wani)**  
Additional Sessions Judge, Baramati.