

MHST010002652026



**IN THE COURT OF ADDITIONAL SESSIONS JUDGE, SATARA.
Criminal Bail Application No.46 of 2026**

Sunil Vitthal Ranjane.

..Applicant

V/s.

State of Maharashtra

..Respondent

Mr. Aniket Nikam, Advocate for applicant.

Ms. G.M. Lakade, Addl..PP for the State.

**Coram: Mr. S. R. Tamboli,
The Addl. Sessions Judge, Satara,**

:: ORDER BELOW EXH. 1::

1. In the present application, the applicant has prayed for anticipatory bail under Section 482 of the B.N.S.S.
2. In brief, the case of the prosecution, as disclosed in the FIR, is that Vitthal Prahalad Ramdasi the informant, is a retired teacher. In the year 2007, he purchased Shindewadi High School. On account of the school, he was required to visit the Zilla Parishad office. In the year 2014, he became acquainted with Sunil Ranjane, who was serving as an Administrative Officer in the Education Department, Z.P, Satara. He assured the informant that he would help him in recruiting boys to the post of Talathi. The informant requested him to recruit his son and daughter. At that time, the

accused Sunil demanded Rs. 10,00,000/- for each candidate. He showed various circulars and notifications issued by the Government. Relying upon his words, in the year 2024 the informant gave an amount of Rs. 10,00,000/- at Hotel Pride. Prashant Vhaval, Bhagwan Nagargoje, Ramesh Kanade, Ravikumar Joshi, Bhivaji Shinde, and Kamlaji also gave an amount of Rs. 10,00,000/- each to the accused. In all, the accused took an amount of Rs. 87,00,000/- and cheated the informant and other witnesses.

3. In the backdrop of these facts, Mr. Aniket Nikam, learned counsel for the applicant, submitted that the offence alleged against the applicant is not punishable with a sentence exceeding seven years. Hence, as per Section 35 of the BNS, it is mandatory for the Investigating Officer to issue notice. Without issuing notice, the Investigating Officer has no right to arrest the applicant. The applicant is a Government servant. The informant has not stated the exact date on which he gave the amount to the applicant. The police had issued various notices to the applicant, and he has cooperated in the investigation. The applicant is a disabled person and is not in a position to walk properly. In order to harass him, a false case has been filed. Hence, he prayed that anticipatory bail be granted to the applicant.

4. Mr. Aniket Nikam, learned counsel for the applicant, placed reliance on the judgment in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and Anr., 2026 SCC Online SC 162**, wherein it is observed as under:

“31. We have no hesitation to hold that a notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua an offence punishable with imprisonment up to 7 years, is the rule, while an arrest under Section 35(6) read with Section 35(1)(b) of the BNSS, 2023, is a clear exception.

32. The power of arrest under Section 35(6) read with Section 35(1)(b) of the BNSS, 2023 must be interpreted as a strict objective necessity, and not a subjective convenience for the police officer. It does not mean that the police officer can arrest a person simply to ask questions. **It means that the police officer must satisfy himself that the investigation, qua an offence punishable with imprisonment up to 7 years, cannot proceed effectively without taking the concerned individual into custody. Any interpretation to the contrary would clearly frustrate the purpose and legislative intent of Sections 35(1)(b) and Sections 35(3) to 35(6) of the BNSS, 2023.**

33. On the basis of the interpretation given by us, we conclude as follows:

a. **An arrest by a police officer is a mere statutory discretion which facilitates him to conduct proper investigation in the form of collection of evidence and, therefore, shall not be termed as mandatory.**

b. **Consequently, the police officer shall ask himself the question as to whether an arrest is necessary or not before undertaking the said exercise.**

c. **For effecting an arrest, qua an offence punishable with imprisonment up to 7 years, the mandate of Section 35(1)(b)(i) of the BNSS, 2023 along with any one of the conditions mentioned in Section 35(1)(b)(ii) of the BNSS, 2023 must be in existence.**

d. **A notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua offences punishable with imprisonment up to 7 years, is the rule.**

e. **Even if the circumstances warranting an arrest of a person are available in terms of the conditions mentioned under Section 35(1)(b) of the BNSS, 2023, the arrest shall not be undertaken unless it is absolutely warranted.**

f. **The power of arrest under Section 35(6) read with Section 35(1)(b) of the BNSS, 2023 pursuant to a notice issued under Section 35(3) of the BNSS, 2023 is**

not a matter of routine but an exception, and the police officer is expected to be circumspect and slow in exercising the said power.”

5. Relying on the ratio laid down in the aforesaid case, Mr. Nikam, learned counsel for the applicant, contended that in each and every offence punishable with a sentence not exceeding seven years, it is mandatory for the Investigating Officer to issue notice, and unless such notice is issued, the accused cannot be arrested. He contended that in the present case no such notice has been issued. He also placed reliance on the judgment of the Hon'ble Bombay High Court in **Dhiraj Omprakash Soni Vs. State of Maharashtra, Anticipatory Bail Application No. 2411/2022** decided on 5th September, 2022, and **Kishore Kumar Shrinivas Shetty & Anr. Vs. The State of Maharashtra, Criminal Anticipatory Bail Application No. 288 of 2021**, wherein the Hon'ble Bombay High Court disposed of the anticipatory bail applications by issuing directions to the Investigating Officer to issue advance notice to the applicants. Hence, he prayed that the applicant be released on anticipatory bail.

6. Per contra, Ms. G. M. Lakade, learned Additional Public Prosecutor for the State, submitted that prior to filing of the FIR, an application was filed in the police station. At that time, intimation was given to the accused to remain present. However, he avoided remaining present. Hence, anticipatory bail cannot be granted. She further submitted that in the case of **Satender Kumar Antil (supra.)**, it is observed that the Hon'ble Supreme Court has not made it mandatory to issue notice in each and every case prior to the arrest of the accused in offences punishable with

imprisonment up to seven years. The Hon'ble Supreme Court has specifically observed that, in exceptional cases, the police have the right to arrest the accused for the reasons mentioned in Section 35(1)(b) of the BNSS. There is a prima facie case against the applicant. The applicant has cheated the informant and various other persons. Hence, the Investigating Officer has the right to interrogate the applicant regarding the manner in which the proceeds of the crime have been siphoned. Hence, she prayed for dismissal of the application.

7. The FIR prima facie shows that the applicant cheated the informant of an amount of Rs. 1,00,000/-. He has also cheated various other persons. The police papers show a prima facie case against the applicant. No doubt, the offence alleged against the applicant is punishable with imprisonment not exceeding seven years. However, in the case of **Satender Kumar (supra)**, the Hon'ble Supreme Court observed that prior to the arrest of the accused in such cases, the Investigating Officer must satisfy himself that the investigation cannot be effectively proceeded with without taking the concerned individual into custody. For effecting an arrest, the mandate of Section 35(1)(b)(i) along with Section 35(1)(b)(ii) must be in existence. At this stage, it cannot be said that the conditions mentioned in the said provisions do not exist.

8. As per the ratio laid down in the aforesaid case, issuing notice is the rule; however, in appropriate cases, arrest may be effected by way of an exception. The Investigating Officer has the right to arrest an accused provided the conditions mentioned in

Section 35(1)(b)(i) and Section 35(1)(b)(ii) of the BNSS are fulfilled. Hence, it cannot be said that unless and until a notice is issued to the accused, he cannot be arrested in offences punishable with imprisonment not exceeding seven years. Therefore, I do not accept the interpretation placed by the learned counsel for the applicant.

9. At this stage, it cannot be said that the Investigating Officer will not satisfy himself regarding the existence of the conditions mentioned in Section 35(1)(b)(i) along with Section 35(1)(b)(ii) of the BNSS. There is a prima facie case against the applicant. Hence, no case is made out by the applicant for grant of anticipatory bail. In the result, I pass the following order.

ORDER

Application is dismissed.

Date- 09/03/2026

(S.R.Tamboli)
Addl. Sessions Judge,Satara.