

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

**CR. ANTICIPATORY BAIL APPLN. NO. 136 OF 2026**

Rajwardhan Balwant Chavan

... Applicant

**Versus**

The State Of Maharashtra And Anr

... Respondents

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*Mr. Anand S. Patil for the Applicant.*

*Mrs. S.N. Deshmukh, A.P.P. for the Respondents-State.*

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**Coram :** RANJITSINHA RAJA BHONSALE, J.  
**Date :** 12<sup>th</sup> March 2026.

**PER COURT :**

1. Issue notice to the Respondents.
2. Learned A.P.P. waives notice for the Respondents-State and seeks time to take instructions and file an Affidavit-in-Reply.
3. Learned APP, on instructions of Police Sub-Inspector, Mr. S. U. Hile, Investigating Officer attached to Wadgaon Police Station, District: Kolhapur, submits that the allegations in respect of the Sections 309(5) and 119(1) are clearly made out. The grant of any protective relief has been vehemently opposed by the learned APP.
4. Perusal of F.I.R. bearing Crime No. 0067 of 2026, dated 7<sup>th</sup> February

2026 makes it doubtful whether the ingredients of Section 119(1) and 309(5) of the Bharatiya Nyaya Sanhita, 2023 (*for short, "B.N.S."*) are even made out. Section 119(1) of B.N.S. refers to 'voluntarily causing *grievous* hurt to extort property or to constrain to do an illegal act', while Section 309 (5) of B.N.S. refers to 'an attempt to commit robbery'. Perusal of F.I.R. would indicate that even the allegations in respect of the said two sections are clearly absent.

**5.** Considering the aforesaid facts, the Investigating Officer attached to Wadgaon Police Station, District: Kolhapur is directed to file an affidavit, thereby explaining in detail the basis on which the above said sections have been invoked in the present crime.

**6.** In view thereof, following order is passed :

- (i) Till the next date, there shall be ad-interim relief in terms of prayer clause (a).
- (ii) The Applicant is directed to attend Vadgaon Police Station before the concerned Investigating Officer on three days, i.e. 13<sup>th</sup> to 15<sup>th</sup> March 2026, between 11:00 a.m. to 2:00 p.m., and cooperate with the investigation.

**7.** Stand over to 26<sup>th</sup> March 2026.

[ RANJITSINHA RAJA BHONSALE, J. ]