

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

CRIMINAL APPELLATE JURISDICTION

CR. ANTICIPATORY BAIL APPLN. NO. 135 OF 2026

Aishwarya Ajay Patil And Ors. ... Applicants

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 123 OF 2026

Abhaysingh Ashokrao Patil ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 136 OF 2026

Rajwardhan Balwant Chavan ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

WITH

CR. ANTICIPATORY BAIL APPLN. NO. 125 OF 2026

Yuvraj Bapuso Patil ... Applicant

Versus

The State Of Maharashtra And Anr. ... Respondents

-
- *Mr. Anand S. Patil a/w. Mr. Soham V. Powar, Adv. Ravindra Gaikwad & Mr. Pratik B. Bhakare for the Applicants in ABA/135/2026 & ABA/136/2026.*
 - *Mr. Shivajirao Rane i/b. Mr. Harshvardhan Rane for the Applicant in ABA/125/2026.*
 - *Mr. Pratik G. Tare a/w. Mr. Sachin Y. Mane for the Applicant in ABA/123/2026.*
 - *Mr. Shishir Hire, Public Prosecutor a/w. Mr. S.S. Chaudhari, A.P.P. a/w. Mrs. Priyanka S. Rane, A.P.P. & Mrs. S.N. Deshmukh, A.P.P. for the Respondent-State.*
-

Coram : RANJITSINHA RAJA BHONSALE, J.

Date : 23rd April 2026.

PER COURT :

1. In pursuance to the order of this Court dated 1st April 2026, learned Public Prosecutor tendered across the bar an affidavit dated 22nd April 2026 of Mr. Yogesh Kumar Gupta, Superintendent of Police, Kolhapur. The para Nos. 5 & 6 of the said affidavit reads as under :

“5. I further say that, in compliance with the order of this Hon'ble Court, instructions were issued on 10/04/2026 to the Officer-in-Charge of Vadgaon Police Station, the Investigating Officer of the said crime, and the Thane Amaldar who registered the crime, to appear in person along with the investigation papers, related documents, and affidavits previously filed before this Hon'ble Court, and to submit a detailed explanation regarding the queries raised by this Hon'ble Court. Hereto annexed and marked as Exhibit R-1 is copy of the said instructions letter dated

10/04/2026. Accordingly, the Officer-in-Charge, the Investigating Officer, and the Thane Amaldar appeared before me on 15/04/2026 and submitted a detailed statement regarding the circumstances of the present crime and the applicability of Sections 309(5) and 119(1) of the Bharatiya Nyaya Sanhita, 2023 which have been invoked in this case. Furthermore Upon being questioned regarding sections applied to the offence, the Thane Amaldar who registered the crime stated that, while Woman Police Constable No. 2185, Sarika Mote, was recording the incident mentioned in the complaint on her mobile phone, the accused Aishwarya Ajay Patil forcibly snatched the mobile phone from her hand and threw it away and pushed her, therefore, as per the definitions under Sections 309(5) and 119(1) of the Bharatiya Nyaya Sanhita, 2023, the said sections were invoked in the crime. I further say that the Officer-in-Charge also stated in his statement that, as per the definitions of Sections 309(5) and 119(1) of the Bharatiya Nyaya Sanhita, 2023, a similar act appeared to have been committed by the accused, and hence those sections were invoked in the said crime by the Thane Amaldar. Further more, investigating officer assigned to this case has stated that, after the crime was registered, the investigation thereof was entrusted to him and during the investigation, based on the evidence that came to light, it was found that Sections 309(5), 119(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 were not applicable against the accused, and therefore a report was submitted before the hon'ble Judicial Magistrate First Class, Vadgaon, to the deletion of the said section. Hereto annexed and

marked as Exhibit R-2 are copies of the statements of the Officer-in-Charge, the Investigating Officer, and the Thane Amaldar of Vadgaon police station dated 15/04/2026.

6. *I further say that, upon careful examination of the statements given by the Thane Amaldar who registered the crime, the Investigating Officer, and the Officer-in-Charge of Vadgaon Police Station, as well as the investigation papers and the affidavits submitted before this Hon'ble Court, it was found that their explanations and actions are contradictory. Furthermore, Sections 199 of the Bharatiya Nyaya Sanhita, 2023 along with Section 130 of the Representation of the People Act, 1951, invoked in the said crime were also found to be inapplicable. Therefore, oral instructions have been issued to delete the said sections and to ensure that, while registering crimes in the future, appropriate sections are applied according to the circumstances. It has also been directed that, in case of any confusion regarding the applicability of sections, the opinion/advice of senior officers or the Public Prosecutor should be obtained before proceeding further.”*

2. Learned Public Prosecutor would submit that directions have been issued to the officers-in-charge of all Police Stations in the Kolhapur District to ensure that the sections invoked are consistent with the factual circumstances and allegations of the incident in all offences registered at the respective police stations and the investigations as carried out. That, in case

incorrect sections are included while registering any offence, the sole responsibility for such errors shall rest exclusively with the Thane Amaldar and the officer-in-charge of the concerned Police Station.

3. Learned Public Prosecutor would further submit that in the present case, contradictions and discrepancies were observed between the crime and investigation documents, the statements recorded, and the affidavits submitted to the Court by the concerned officers. Accordingly, a show-cause notice dated 16th April 2026 has been issued under Rule 3 of the Mumbai Police (Punishment and Appeal) Rules, 1956, calling upon the concerned officers to show cause as to why their annual increment should not be withheld. That, a period of 15 days has been granted to the concerned officers to submit their replies.

4. In view thereof, stand over to 7th May 2026.

5. Ad-interim relief, if any, granted earlier, to continue till the next date.

[RANJITSINHA RAJA BHONSALE, J.]