

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1032 BAIL APPLICATION NO. 1147 OF 2025

ASHISH S/o. JAIKUMAR BAKLIWAL
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Rajendrraa Deshmukh, Senior Advocate a/w. Mrs.
Meenal S. Deshmukh i/b. Mr. A.S. Deshmukh
APP for Respondent/State : Mr. V.M. Jaware

CORAM : ARUN R. PEDNEKER, J.

DATE : 17/07/2025

P.C. :

1. Heard the learned Senior Advocate for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with Crime No. 473/2025 dated 15.5.2025 registered with M.I.D.C. Police Station, Waluj, Chh. Sambhajinagar for the offence punishable under section 310(2), 61(2) of B.N.S., 2023, section 3/25 of the Arms Act and section 135 of the Bombay Police Act.
3. The case of the prosecution is that on 15.5.2025 at about 2.00 to 4.00 hours at night six unknown persons, who have covered their faces, have tied the relative of the informant and has beaten him and by showing the gun, have committed dacoity of 8.40 k.g. gold, silver ornaments etc. Accordingly, FIR came to be registered. The investigation has proceeded further. The accused were arrested. One of the accused has taken the name of the another accused to whom part of the gold was sold by him. On being apprehended, the said accused has taken the name of Shaikh Shaharukh Shaikh Rafik as a person to whom some part of gold was sold. Thereafter, Shaikh Shaharuk is also made co-accused. His statement is recorded and in terms of statement of

Shaikh Shaharuk that he sold the gold to present applicant, present applicant is made accused in this crime. The applicant was arrested on 5.6.2025.

4. The learned Senior counsel for the applicant submits that the applicant is goldsmith by profession and he has purchased gold from another goldsmith namely Shaikh Shaharuk, co-accused, who had purchased the same from another goldsmith. The learned Senior counsel submits that at no point of time the applicant has purchased the gold or stolen property from the accused who have committed the dacoity. The learned Senior counsel submits that applicant has no antecedents nor he has any connection with the accused, who have committed dacoity. The learned Senior counsel submits that when brother of the applicant on being questioned about this crime has immediately produced the gold purchased by the applicant from Shaikh Shaharuk and handed over the same to Investigating Officer. The learned Senior counsel submits that applicant is arrested on 5.6.2025 and since then he is behind bars. As the investigation having proceeded substantially, the learned Senior Counsel prays to release the applicant on bail.

5. Today, the learned APP has produced the statement of brother of the applicant and submits that brother of the applicant has informed that Shaikh Shaharuk Shaikh Rafik, Nanded along with one Shaikh Abujar alias Shahid Gaffar Shaikh have given gold biscuits of 194.010 grams to present applicant and brother of the applicant has given the same to the Investigating Officer and the recovery is made at the instance of the present applicant. The learned APP submits that stolen property from dacoity is purchased by the applicant and section 317(3) of B.N.S. would apply to the instant case by which punishment for rigorous imprisonment for life or rigorous imprisonment which may extended up to 10 years is provided. The learned APP therefore prays that the applicant may not be released on bail.

6. In response to the above submissions of the learned APP, the learned Senior Counsel for the applicant submits that there is no occasion for the applicant to know that the property purchased by the applicant is stolen property and during the course of business, the applicant has purchased the gold from another goldsmith and it is not purchased from the accused who have committed actual dacoity. The learned Senior Counsel therefore submits that there is no evidence on record to connect the present applicant with the dacoits. At this stage, this fact is not disputed by the learned APP.

7. Considering that the applicant has received the gold in regular course of business and has purchased the same from another goldsmith and considering that there are no antecedents against the applicant of the similar kind of offence, I hold that bail can be granted to the applicant.

8. In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 473/2025 dated 15.5.2025 registered with M.I.D.C. Police Station, Waluj, Chh. Sambhajinagar for the offence punishable under section 310(2), 61(2) of B.N.S., 2023, section 3/25 of the Arms Act and section 135 of the Bombay Police Act, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and

other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

9. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

10. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

[ARUN R. PEDNEKER, J.]

SSC/