



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1421 OF 2025

RAJEEV RANJAN KUMAR ALIAS DHONA
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nihal Singh and Mr. Mahesh Hundekar
APP for Respondents No.1 and 2 : Ms. D. S. Jape
Advocate for Respondent No.3 : Mr. Sunil Wankhede (appointed)
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-12-2025

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.51 of 2025 registered with Pundlik Nagar Police Station, Chhatrapati Sambhajinagar, dated 19.07.2025, for the offences punishable under Sections 109, 140(2), 147(2), 318(2), 318(4), 238, 61(2), 125, 281, 126(2), 127(6), 127(7), 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 3 and 25 of the the Arms Act, 1959, Section 192(1) of the Motor Vehicles Act, 1988 and Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015. In connection with the crime, the applicant is arrested on 07.03.2025 and the chargesheet is filed on 09.04.2025.

2. The case of the prosecution is that initially, the first information report was registered by the informant that his son aged 7 years was missing on 04.02.2025 while he was playing bicycle against the unknown person. Eventually, the investigation

was carried out and the supplementary statement of the informant came to be recorded by the police.

3. It is alleged that on the date of the incident, the informant received a call that the person on call demanded Rs.2 Crore as a ransom in exchange of the son, who was kidnapped. Otherwise, the child would be killed. Due to the fear, the informant could not report this fact to the police while registering the first information report. Hence, the supplementary statement was recorded to that effect. Accordingly, the investigation was carried out and the present applicant came to be arraigned as accused along with other co-accused for the aforesaid offences and the arrest was effected.

4. The learned counsel for the applicant submits that the allegation as against present applicant assisted accused No.7 for procurement of pistol and magazine. Further, accused No.7 provided the said pistol and magazine to accused No.1, who along with other co-accused committed the crime. It is contented that the present applicant is not involved in the offence.

5. Since the applicant runs Cyber cafe, as such, general public has access to him and the CDR of a payment receipt are insufficient to connect the applicant with the other co-accused. Hence, submitted that the applicant is falsely implicated and prayed to allow the application.

6. The learned A.P.P. for the respondents No.1 and 2 / State and the learned counsel for respondent No.3 / complainant have vehemently opposed the application, submitting that the offence is of serious nature. It is submitted that the applicant has assisted the other co-accused to procure the pistol used in the crime. As such, active participation of the applicant is evident in the alleged crime. It is further submitted that the applicant is a resident of another State. Therefore, expressed the serious apprehension of the applicant fleeing and evading the trial and prayed not to admit the applicant on bail.

7. Perusal of the record indicates that the applicant is arraigned as accused for helping the co-accused to procure a SIM card and weapon in order to facilitate the crime. The investigating agency has obtained call detail records and transaction details of the payment that have taken place between the applicant and the other co-accused. Therefore, the complicity of the applicant is rather evident.

8. Furthermore, the CDR indicates not occasional but frequent and consistent communication of the applicant with the other co-accused. The agreement to commit a criminal conspiracy, need not be explicit and can be *prima facie* inferred based on the sequence of events leading to commission of offence. Thus, the CDR coupled with the payment receipts and the recovery of the

unlicensed pistol, *prima facie*, is sufficient to establish 'agreement', as contemplated under the provisions of Section 61 of the BNS.

9. The Honourable Apex Court, In the case of ***Ishwarji Nagaji Mali v. State of Gujarat and Anr., 2022 (6) SCC 609***, while considering legality of the order granting bail to the accused charged under Section 302 read with Section 120B of the Indian Penal Code. The Honourable Apex Court held that the High Court erred in granting bail without a proper appraisal of the gravity of the offence, the nature and quality of evidence collected during the investigation, and the settled judicial principles governing bail. The Honourable Apex Court has noted that the High Court had primarily relied on the accused's deep societal roots and the absence of any apprehension of his fleeing or tampering with the evidence. Such factors were regarded as insufficient for the purpose of granting bail in a serious crime like murder especially one involving an alleged criminal conspiracy.

10. The Honourable Apex Court has reiterated that while considering bail applications in serious offences, especially involving criminal conspiracy and premeditated murder, the Courts must examine factors beyond just the likelihood of the accused absconding.

11. In ***Gudikanti Narasimhulu v. Public Prosecutor, High Court of Andhra Pradesh, (1978) 1 SCC 240***, it was held that the nature of the charge, nature of evidence, and likelihood of the accused thwarting the course of justice are vital considerations.

12. The Honourable Apex Court in the case of ***Prahlad Singh Bhati v. NCT of Delhi, (2001) 4 SCC 280***, has emphasized that the jurisdiction to grant bail must be exercised judiciously and not arbitrarily, and highlighted several factors including the gravity of the offence, severity of punishment, risk of tampering with evidence, and the larger public interest.

13. In the present case, the applicant who is resident of other State and having consistent communication with the other co-accused coupled with the payment receipts for procuring unlicensed pistol, sufficiently establishes his complicity and consequently, likelihood of fleeing away cannot be ruled out.

14. The perusal of the charge sheet further indicates that the accused persons kidnapped a seven-year-old boy for a ₹2 Crore ransom. The release of applicant request would pose jeopardise the public interest. Considering the gravity of the offence, the potential severity of punishment, and the risk that the accused may tamper with evidence, given the specific circumstances of this case, I am not inclined to exercise discretion in the favour of the applicant.

15. Upon examination and analysis, it is evident that the learned trial Court has rightly applied the settled legal principles at the stage of deciding bail in cases involving serious offences. This Court is not required to undertake a meticulous appreciation of evidence or test its admissibility or sufficiency at this juncture.

16. In view of the aforesaid legal precedents and the factual matrix of the case, the bail application stands rejected.

17. The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the fees of the appointed counsel for respondent No.3/complainant as per schedule.

18. Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH]
JUDGE

rrd