

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO. 1481 OF 2025

VAIBHAV SHRIPADRAO MAID

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rajendrraa S. Deshmukh, Sr. Advocate i/b. Mr.

More Nimish Sanjay

APP for Respondents: Mrs. A.S. Mantri

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CORAM : ARUN R. PEDNEKER, J.

DATE : 11/08/2025

P.C. :

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he is 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 sections 310(2), 61(2) of B.N.S., 2023 and section 3/25 of Arms Act and section 135 of Bombay Police Act.
3. Prosecution case against the applicant is that the applicant has purchased/received property stolen in dacoity. Accordingly the applicant is made accused in the crime is registered for aforesaid offence of dacoity. Main allegation as far as dacoity is concerned, applicant has no role in it, therefore, incident of dacoity is not mentioned here in detail. Suffice to say that after the incident of dacoity, it is stated that the main accused Khotkar has transferred the gold and silver ornaments/articles stolen property to another co-accused Mr. Rupesh Subhash Patre. Mr. Patre is residing in the locality where the shop of applicant is situated. It is stated that Mr. Patre has sold two silver plates to the applicant. Accordingly, on the basis of statements of Mr. Patre and Mrs.

Khushi, girlfriend of main accused Khotkar, who is involved in dacoity, the present applicant is arrested in this crime on 11.6.2025. The applicant has filed bail application before the trial Court and the same has been rejected. Therefore, present application is filed before this Court.

4. The learned Senior Counsel Mr. Rajendra Deshmukh has placed reliance on the **order dated 17.07.2025 passed by this Court in BA No. 1147/2025 in the case of Ashish s/o. Jaikumar Bakliwal Vs. The State of Maharashtra** and submits that the role of the applicant is similar to the co-accused therein, who has been granted bail by above order. The learned senior counsel submits that the applicant is goldsmith by profession and on the request made by Mr. Patre, who is residing in the locality of the shop of the applicant, for certain medical emergency, the applicant had purchased two silver plates from him and the applicant has paid amount to Mr. Patre through cash and digital payment mode. The learned senior counsel has produced certain documents showing details in respect of digital payment made by the applicant to Mr. Patre. The learned senior counsel submits that later on the said silver plates were melted for usage. The same are recovered by police. The learned senior counsel submits that the applicant had no occasion to have knowledge that the property purchased by the applicant from Mr. Patre is a property stolen in dacoity and the applicant has purchased the same in ordinary course of business. The learned Senior counsel submits that at the highest it can be said that the applicant was negligent in not verifying the bills of the purchased property. The learned senior counsel submits that there are no antecedents against the applicant. The learned Senior counsel therefore prays that considering all above, regular bail be granted to the applicant.

5. Per contra, the learned APP strongly opposed the application by submitting that CDR record is on record in respect of mobile conversation

between Mr. Patre and the applicant, so also there is CDR record available in respect of mobile conversation between Mr. Khotkar and Mr. Patre. The learned APP submits that applicant has not produced any GST bill or other bill before the police in respect of purchase of stolen silver plates by Mr. Patre and as such, at this stage, it can be presumed that the applicant was aware that the property purchased by him is a stolen property in dacoity.

6. Having considered the above submissions and perusing the police papers, it is apparent that applicant has purchased the stolen property from Mr. Patre. There is no CDR record available on record or calls details in respect of conversation between the applicant and the main accused Khotkar, who committed dacoity indicating that the applicant is involved in the conspiracy of purchasing the stolen property from dacoity. The applicant has purchased the property in ordinary course of business. It appears from the record that there are no antecedents against the applicant and the stolen property is also recovered at the instance of the applicant.

7. Even if it is presumed that the applicant has received the stolen property, the maximum punishment under section 317 is of three years imprisonment. However, section 317 (3) provides for punishment up to 10 years. Section 317 (3) provides that the person who dishonestly receives or retains any stolen property, the possession whereof he knows or has reason to believe to have been transferred by commission of dacoity, or dishonestly received from a person whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to have been stolen shall be punished with imprisonment for life or with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine. However, there is no material available on record to indicate that the offence would fall under section 317(3) of B.N.S. Even if it is

presumed that the applicant has received the stolen property, maximum sentence provided is three years. The applicant is in custody from 11.6.2025. There are no antecedents against the applicant. Stolen silver is recovered at the instance of applicant. Considering all above, I hold that bail can be granted to the applicant in the same terms as was granted to applicant in BA No. 1147/2025 vide above order.

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. Sambhajanagar for the offence punishable under sections 310(2), 61(2) of B.N.S., 2023 and section 3/25 of Arms Act and section 135 of 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/