



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

947 BAIL APPLICATION NO. 1661 OF 2025

**DNYANESHWAR SHESHNARAYAN NARALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

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Mr. Shantaram R. Dheple and Mr. Sujit J. Shirsath, Advocate for
Applicant

Mr. P. P. Dawalkar, APP for Respondents/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 20.09.2025

PER COURT :-

1. Heard.

2. This is an application for granting of regular bail under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.311 of 2025, registered at Pundliknagar Police Station, District Chhatrapati Sambhajinagar, for the offences punishable under Sections 61(2), 137(2), 140(1), 318(4), 336(3) and 340(2), r/w Sections 3(5) and 3(6) of the Bhartiya Nyaya Sanhita and Sections 4 and 25 of the Arms Act.

3. The informant averred in the report that he is working as a driver of a four wheeler for Ashok Upadhye. It is alleged that on 16.07.2025, the informant picked up Ashok Upadhye's granddaughter, Arya Upadhye, from her school, S.B. Center, at 03.30 p.m. and took her to her residence in Radhamohan Colony. After that, the informant

dropped Arya at Tirumala Hill, Garkheda Park, opposite Nathprangan Janki Hotel, to attend her tuition class at 5.00 p.m. After Arya's class ended at 07:00 p.m., the informant took Arya and sat in their Swift Dzire car. At that time, one unknown person came near their car and attempted to communicate by gesturing with his hands. The informant looked at him without opening the car window and at that moment, a gray colour Hyundai Sedan with the registration No. MH-20-BN-2300 arrived there. Another person got out of the Sedan, opened the car door, grabbed Arya's hand and tried to pull her out of the car, but the informant held Arya's other hand. At that time, that person stabbed the informant on his right hand with a knife and injured him. That person then dragged Arya out and forcibly took her into his sedan car, then started driving away towards Shivajinagar around 07.15 p.m. The informant saw four unknown persons inside the Sedan. The informant immediately got out of his car and chased the Sedan for about 300 meters, until those people made Arya get out of the moving car. When the informant went near Arya, she was crying. When he asked her about the people in the car, she told him that she saw four persons inside the car. When one of the men asked her for her father's mobile phone number, she said it was 100. Upon hearing this, the person in the car said that it was the police phone number. Arya then said that her father is a policeman. At that moment, the man in the car immediately opened the door and let Arya out.

After that, the car drove in high speed towards Shivajinagar tunnel. There, the men left the car on the road, got out of the car and ran away. At that time, the informant was convinced that the unknown persons in the car had forcibly taken Arya with intention of kidnapping her. Thereafter, the informant lodged the report.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. At the time of the incident, he was present at Jai Balaji Logistic and Transport. For that, he produced a copy of a letter titled "Employee Work Availability Confirmation". The learned advocate for the applicant further submitted that the applicant was not involved in the crime and that his name was falsely mentioned by the co-accused. It is submitted that the applicant has no criminal antecedents and there is no material evidence against him. The applicant has roots in the society and he will not flee away from the trial. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant suggested that Arya's grandfather is rich and influential person. This indicates the applicant's involvement in the crime of kidnapping an 11 year old girl, who was forcibly taken by the accused in a car. The investigation is still in progress. It is lastly prayed to reject the application.

6. Perused the report and the availability certificate of the applicant issued by the employer. The investigation is still in progress, the role of the applicant is that he had pointed out to the co-accused that Arya's grandfather is a rich person and suggested to kidnap her. This shows that the applicant's role of pointing out the Arya's grandfather financial position to the other accused. The investigation is still in progress, therefore, the application deserves to be rejected. The principle that bail is rule and jail is exception is not helpful to the applicant at this stage. Accordingly, the application is rejected.

[SANJAY A. DESHMUKH, J.]

HRJadhav