



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

BAIL APPLICATION NO. 1867 OF 2025

Mahendra Madhavrao Bidve

Age : 38 years, Occu. Daily wage worker,

R/o : House No.11, Gut No.51, Sajapur

Tq.& Dist. Chh. Sambhajinagar.

...Applicant

Versus

The State of Maharashtra

Through the Police Inspector,

M.I.D.C. Waluj Police Station, Waluj,

Tal. & Dist. Aurangabad.

...Respondent

Advocate for the Applicant : Senior Counsel Mr. Rajendraa S. Deshmukh a/w

Meenal S. Deshmukh i/by Mr. Nisarg Garje

APP for the Respondent/State : Mrs. D.S. Jape

CORAM : MEHROZ K. PATHAN, J.

DATE OF RESERVING THE ORDER : 20th NOVEMBER, 2025

DATE OF PRONOUNCING THE ORDER : 8th DECEMBER, 2025

ORDER :

1. The Applicant has filed the present application, thereby praying for release on regular bail in Crime No.473/2025 registered with the M.I.D.C. Waluj Police Station, Waluj, Aurangabad for the offences punishable under Sections 3, 25 of the Arms Act, under Section 135 of the Maharashtra Police Act and under Sections 310(2), 317(3) of the Bharatiya Nyaya Sanhita, 2023.

2. The First Information Report came to be filed by one Jagdish Toshniwal with M.I.D.C. Waluj Police Station, thereby alleging that his sister Rakhi and brother-in-law Santosh, who are native of Bajajnagar, were running a company in the name of Disha Auto Component Pvt. Ltd., in M.I.D.C. Waluj. The Informant went to the United Kingdom to attend a program on 07.05.2025. Therefore, one Sanjay Kaduba Zalke was entrusted with the care of the house and the keys. On 15.05.2025, at about 04:30 a.m., when the Informant Jagdish was sleeping, his brother-in-law Santosh called and informed him that Sanjay Zalke, the caretaker, had reported that some unknown persons assaulted him, tied his hands and mouth, threatened him with a pistol, and that six unknown persons had robbed the house. Thus after receiving such information, Informant Jagdish took alongwith him with his friend Mukul Gattani and went to the house of Santosh at about 05:00 am., at that time the care taker Sanjay had informed that unknown persons had robbed the house by committing dacoity. It was further informed that on 14.04.2025 at about 01:00 am. when he went to sleep, the key of the hall was with Zalke and the all rooms were locked, main hall was open for taking rest to Zalke. It was further informed that on 15.05.2025 at about 02:00 am. the thieves entered the house of brother-in-law Santosh and have shown pistol to him and warned not to make noise. When he tried to resist the one thief assaulted him on neck and back. The other persons were masked with black cloth and were speaking in Hindi, calling

themselves by the name Guddu Salman. It is further alleged that two of the thieves tied the hands of the Zalke and stood beside him and other 4 broke the door of bedroom and robbed the ornament of the Gold and Silver from the house and also the mobile was taken by them. Thereafter they left the house. Zalke has informed the incident to Santosh Ladda. There was 8 Kg. gold approximately and Biscuits, 40 kg. of Silver ornaments and coins, vessels, etc. Thereafter police came to the spot and investigated and inquired about the incident to Santosh Ladda. Hence the present crime was registered against the Applicants/accused and co-accused.

3. It is the submission of the learned Senior Counsel Mr. Rajendra Deshmukh for the Applicant that the Applicant has no criminal antecedents. Merely on the basis of the call detailed records, the Applicant is dragged into the present crime. There is no recovery at the instance of the present Applicant and the Applicant is ready to abide by any conditions that may be imposed by this Court and as such the Applicant may be released on bail. The Senior Counsel further seeks principles of parity insofar as the present Applicant is concerned in the orders passed by this Court in the bail applications in the matters of Babita Gangane, Bharat Kamble in BA No.1142/2025, Vaibhav Maid in BA No.1481/2025, Shaikh Shahrukh in BA No.1244/2025 and Shaikh Abuzar in BA No.1514/2025, to submit that at the most offence under Section 317(5) is made

out against the Applicant and the Applicant is behind bars since 27.05.2025. The trial would take its own time to conclude and the Applicant may therefore be released on bail.

4. The learned APP submits that the Applicant was present with main accused Amol Khotkar and Yogesh Hajbe during the commission of the offence as could be seen from the CCTV footage. The Applicant held the hands of Santosh Ladda's driver, Sanjay, and assisted the other accused persons in covering his mouth with an adhesive bandage, while threatening him by pointing a pistol at him. There is CCTV footage of the commission of the theft, and the applicant is seen to have played an important role in the commission of the offence. Thus the Applicant may not be released on bail. Though the Applicant may not have any criminal antecedents, having regard to the role played by him and the call detail records between the accused Yogesh and the present applicant Mahendra from 01.05.2025 to 24.05.2025, there is sufficient evidence to prosecute the applicant for the said offence. The memorandum panchanamas of other accused persons shows presence of the present Applicant alongwith all the other accused persons while they were committing dacoity on the date of incident. Thus the application is liable to be rejected.

5. I have considered the arguments in detail. It could be seen that the Applicant is one of the prime accused who was found in

the company of other co-accused at the time of commission of dacoity. It is true that the charge-sheet does not contain any criminal antecedents as against the present Applicant. However considering the presence of the applicant, who is seen in the CCTV footage holding the driver of the house owner and assisting the co-accused in tying the hands and mouth of the caretaker, and thereafter removing the looted articles from the house, it appears that Applicant has played an active role in committing dacoity.

6. The witness Balu Shivaji Ranmale, who is the driver of Yogesh, stated in his statement that the applicant Mahendra was seen entering the house of Santosh Ladda on the date of the dacoity and was also seen exiting the said house after the commission of the dacoity. The said witness viewed the CCTV footage and identified the present Applicant.

. The Applicant is also seen to be sitting alongwith main accused Amol Khotkar in the car as per the statement of Balu Ranmale who is the driver of accused Yogesh. The memorandum statement of accused Yogesh, recorded under Section 23 of the BSA 2023, pursuant to which he led to the recovery of stolen articles, mentions the name of the present applicant Mahendra Bidve. Accused Yogesh also led to the discovery of a pistol and, in that context, made a further mention of the present applicant as one of the accomplices in committing the dacoity. There are several call detail records available showing that the applicant

was in continuous contact with the other accused persons. The statements of Ranmale and Shubham would show that the Applicant used to regularly visit the hotel belonging to accused Yogesh. The Applicant thus is found to be one of the main accused persons present on the spot at the time of commission of dacoity. The prosecution has collected several photographs of the applicant, wherein he is seen in the company of the main accused, Amol Khotkar.

7. Insofar as the principles of parity is concerned, the Applicant has a different role altogether to that of the aforesaid persons released on bail by this Court in the above mentioned five orders. Amongst the above mentioned five orders, one order pertains to the wife and father-in-law of the accused from whom some cash was recovered. Whereas the other four bail orders show that the Applicants therein were jewelers who had received the stolen property during the course of their business without having any knowledge of the stolen property. The principles of parity thus may not apply in the case of the present Applicant. There is sufficient evidence to establish the guilt of the applicant under Section 310 BNS (dacoity), which is punishable with life imprisonment. Hence, I do not think this is a fit case to release the Applicant on bail. Thus the application is therefore rejected.

8. The observations made herein are prima facie in nature and are made only with a purpose to decide the present

application. The said observations may not influence the trial Court or any other proceedings before any other Court.

MEHROZ K. PATHAN
JUDGE

Najeeb..