



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1875 OF 2025

Devidas s/o Nana Shinde
Age : 43 years, Occu. Pvt. Service,
R/o : Near Mahesh Kirana,
Shivaji Nagar, Wadgaon Kolhati,
Tal. And Dist. Chhatrapati 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 : Mr. Shaikh Aadil Ajimoddin

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) of the Bharatiya Nyaya Sanhita, 2023.

2. On 15.05.2025, the First Information Report came to be

filed with M.I.D.C. Waluj Police Station by one Jagdish Toshniwal, the aforesaid offence wherein informant alleged 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., was informed by Sanjay Zalke, the caretaker, that some unknown persons assaulted him, tied his hands and mouth, threatened him with a pistol, and that they 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 informed that six unknown persons had robbed the house by committing dacoity. It was further informed by the care taker 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 and one of the thieves have shown pistol to him and warned not to make noise. When he tried to resist 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 and 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 of caretaker Sanjay 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 Counsel Mr. Aadil for the Applicant that the Applicant was arrested by the police on the basis of the statements of the other accused, even though the FIR was registered against unknown persons. The Investigating Officer has already recovered the stolen articles from the other co-accused. Nothing remains to be recovered at the instance of the present Applicant. The Applicant may therefore be released on bail.

4. As against this, the learned APP submits that offence is serious in nature. The Applicant participated in the crime by showing the house of the informant to one of the main accused and thereafter committing the dacoity with the assistance of the other accused. The Applicant was acquainted with the main accused, Amol Khotkar, and his wife, and he failed to disclose information about the stolen articles to the Investigating Officer. The Applicant was in continuous contact with main accused on

mobile phone. The CDRs and SDRs of the Applicant are obtained which show that the Applicant to be one of the prime accused as the Applicant had criminal antecedent against him. He has criminal cases against him out of which four criminal cases against him are of theft registered with Waluj Police Station, i.e. (1) Crime No.128/2008 under Sections 475, 380 of IPC (2) Crime No.219/2008 under Sections 454, 457, 380, 34 of IPC; (3) Crime No.222/2008 under Sections 457, 380 of IPC and (4) Crime No.218/2008 under Sections 457, 380, 34 of IPC. The learned APP further submits therefore application of the Applicant be rejected.

5. I have gone through the charge-sheet submitted by the learned Counsel for the Applicant. With the assistance of the learned APP and the learned Counsel for the Applicant, I have perused the record. There are criminal records of the present Applicant as could be seen from the chart made available by the learned APP. The present Applicant is seen to be using mobile no.9890129995 and is continuously in touch with the main accused Yogesh who was present in the crime bearing mobile no.9890783981 while committing dacoity. The Applicant is also said to be in contact with accused Suresh Gangane bearing mobile no.912112294 on the date of incident i.e. on 15.05.2025. The present Applicant is also found to be in touch with Mahesh Gorale bearing mobile no.7720811128 on the date of incident i.e. 15.05.2025. The CDRs are available on record. The Applicant

was a regular visitor in the hotel of Yogesh Gajbe and has given information to Adinath Jadhav, Ganesh Goralhe, Mahesh Goralhe who has shared the information with one of the main accused Yogesh Gajbe on 13.05.2025 near the garden at CIDCO Waluj for committing dacoity at the house of Santosh Ladda. All of them sat in the car belonging to Yogesh Gajbe and conspired to commit the offence of dacoity, as stated by Dadarao Gorhale, father of co-accused Mahesh Gorhale. It is further alleged that Devidas Shinde contacted the main accused, Amol Khotkar, and informed him about the house of Santosh Ladda, where a sufficient quantity of gold could be found if a dacoity was committed.

6. As could be seen from the other evidence collected from the record, there is ample evidence collected to bring home the guilt of the present Applicant in the said crime. I am therefore not inclined to release the Applicant on bail since the offence is serious in nature. The Applicant if found guilty, can be imprisoned for life under the aforesaid Section 310 read with Section 61(2) which is charged for criminal conspiracy. The Applicant is one of the co-conspirators of the entire conspiracy, does not deserve to be released on bail. The application is therefore rejected.

7. 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 anyother proceedings before any other Court.

MEHROZ K. PATHAN
JUDGE

Najeeb/..