



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

919 BAIL APPLICATION NO. 2341 OF 2025

MAYADEVI AMARKUMAR HARJAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant in BA-2341/2025 : Mr. Barhate Patil Avinash N.

Addl.PP for Respondent/State : Mr. A.S. Shinde

...

AND

935 BAIL APPLICATION NO. 2178 OF 2025

1. NANDA SANJAY SAKAT

2. DURGA SANJAY RAKHPASARE

VERSUS

THE STATE OF MAHARASHTRA

AND

937 BAIL APPLICATION NO. 2234 OF 2025

KAJAL MANISH MALAVI

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant in BA-2178 & 2234/2025 : Mrs. Sonawane Sunita G.

APP for Respondent/State in BA-2178/2025 : Mr. R.D. Raut

APP for Respondent/State in BA-2234/2025 : Mr. S.M. Ganachari

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CORAM : MEHROZ K. PATHAN, J.

DATE : 27th NOVEMBER 2025

PER COURT :

1. The Applicants/Nanda Sanjay Sakat and Durga Sanjay Rakhpasare in Bail Application Nos. 2178/2025 in connection with Crime No.553/2025 and Applicant/Kajal Manish Malavi in Bail

Application No. 2234/2025 and Applicant/Mayadevi Amarkumar Harjan in Bail Application No.2341/2025 in connection with Crime No.558/2025 registered with Loni Police Station, Ahilyanagar for the offences punishable under Sections 310(5), 310(4), 3(5) of Bhartiya Nyaya Sanhita, 2023 have approached this Court, praying for regular bail.

2. The case of the prosecution is that the Applicants were found preparing to commit a dacoity in the Maha Shiv Puran festival which was conducted on 12.10.2025.

3. The learned Counsel Ms. Sonawane for the Applicants in Bail Application Nos. 2178/2025 and 2234/2025 submits that the Applicants Nanda Sanjay Sakat and Durga Sanjay Rakhpasare are residents of Shrirampur and Kajal Manish Malavi is resident of Madhya Pradesh. The Applicants were attending the said festival along with their family members and other villagers, and had no intention to commit dacoity. However, solely on the basis of certain suspected movements seen in the CCTV footage installed for the festival, the Applicants came to be arrested. The material found by the police authorities during the personal search of the Applicants and the search of the vehicle consisted of articles ordinarily found in every vehicle or in the possession of common people. The Applicants have no criminal antecedents and had come all the way from their villages to attend the Maha Shiv Puran festival, but were arrested merely on suspicion. The custodial interrogation of the Applicants

has already been conducted by the Investigating Authority, and nothing incriminating has been found against them. The only article found in the possession of the Applicants Nanda and Kajal is deliberately shown to have been seized from them. However the same is also a household article. The recovery shown is as follows:

- (1) Nanda – Rs.18,00 in cash and one cutter;
- (2) Durga – Rs.800 in cash, one blade pan
- (3) Kajal – One mobile phone and one yellow colour metal;

4. The say of the prosecution in the case of Applicants Nanda and Durga in BA Nos.2178/2025 is tendered at the bar and is taken on record and marked as 'X' for identification. The say of the prosecution in the case of Applicant Kajal in BA No.2234/2025 is tendered at the bar and is taken on record and marked as 'Y' for identification.

. The learned Counsel further submits that the Applicants are ready to abide by the conditions that may be imposed by this Court, as further incarceration may not be necessary.

5. The learned Counsel Mr. Barhate for the Applicant/ Mayadevi in Bail Application No.2341/2025 submits that the Applicant is resident of Uttar Pradesh and the Applicant had also come to attend the said festival and without there being any evidence as against the Applicant, the Applicant was apprehended merely on a suspicion of intending to commit dacoity. The Applicant/Mayadevi

has no criminal antecedents and is ready to abide by any terms and conditions that may be imposed by this Court. The recovery shown is as follows:

(1) Mayadevi – Two small cutters and two blade pans

. The learned Counsel Mr. Barhate tenders across the bar a certified copy of the say of the prosecution, which is taken on record and marked as 'Z' for identification.

6. As against this, the learned APP submits that the Applicants are residents of far-off villages in Madhya Pradesh and Uttar Pradesh and they were seen in the CCTV footage engaging in suspicious movements, and accordingly the police authorities caught them red-handed with the seized articles.

. The learned APP vehemently opposes the application on the ground that the Applicants though are not involved in any other case earlier, however the Applicants if released on bail, there is every likelihood that the Applicants may again indulge in similar offences of attempt to commit dacoity or robbery as they were found with the article which are normally used for committing such crimes. The Applicants were found in the crowd engaging in suspicious movements and appeared to have the intention to commit robbery or dacoity on the large gathering assembled to celebrate the festival of Maha Shiv Puran. The learned APP therefore submits that the investigation is yet to be completed and that there is every likelihood of the Applicants tampering with the prosecution evidence or

absconding to defeat the ends of justice. As they are residents of Madhya Pradesh and Uttar Pradesh, they may not be available for trial. The applications may therefore be rejected.

7. I have seen the investigation papers as produced by the learned APP. The perusal of the Say filed by the prosecution before the trial Court, does not show that the Applicants have any criminal antecedents. The perusal of the said Say filed by the prosecution would show that the articles seized from the persons of the present Applicants were only some small cutters or blade pan which was already seized at the time of arrest of the accused persons. The accused were charged with preparation to rob valuable ornaments from the crowd, however no ornaments were seized from the person of the present Applicants. The perusal of the Say filed by the prosecution does not show that there are any criminal antecedents as against the present Applicants/Nanda Sanjay Sakat and Durga Sanjay Rakhpasare and Kajal Manish Malavi in Bail Application Nos. 2178/2025 and 2234/2025 and the Applicant/Mayadevi in Bail Application No.2341/2025.

8. Thus taking into consideration the above recoveries from all the Applicants, it can be seen that no golden ornaments or other valuables were seized from the accused persons. The raid was conducted on 12.10.2025 at 07:30 pm., however, the FIR shows that the Maha Shiv Puran festival addressed by Pandit Mishra was organized on the same day at about 08:00 a.m. in the morning and

concluded by 05:00 p.m. in the evening. There are no details in the FIR or the say filed by the prosecution indicating that any devotees were robbed of their valuable articles, ornaments, or cash in the large gathering that had come to attend the Maha Shiv Puran festival. It appears that they were arrested merely on suspicion.

9. The custodial interrogation of the Applicants has already been conducted, and they were sent to magisterial custody long back. Further custody of the Applicants therefore would not yield any fruitful purpose. The apprehension of the learned APP that the Applicants, being residents of different areas, may not be available for trial can be addressed by imposing stringent conditions, including the requirement of providing one local surety.

10. Thus considering the Applicants - Nanda Sanjay Sakat and Durga Sanjay Rakhpasare and Kajal Manish Malavi in Bail Application Nos. 2178/2025 and 2234/2025 and Applicant/Mayadevi in Bail Application No.2341/2025 are concerned, they are women and that there are no criminal antecedents against them and that they are under magisterial custody since long, I am inclined to release the Applicants- Nanda Sanjay Sakat and Durga Sanjay Rakhpasare in Bail Application Nos. 2178/2025 and Kajal Manish Malavi in Bail Application No. 2234/2025 and the Applicant/Mayadevi in Bail Application No.2341/2025. Hence, the following order :

ORDER

- (a) The Bail Applications are allowed.
- (b) Applicants/Nanda Sanjay Sakat and Durga Sanjay Rakhpasare in Bail Application Nos. 2178/2025 in connection with Crime No.553/2025 and Applicant/Kajal Manish Malavi in Bail Application No. 2234/2025 and Applicant/Mayadevi Amarkumar Harjan in Bail Application No.2341/2025 in connection with Crime No.558/2025 registered with the Loni Police Station, Ahilyanagar for the offences punishable under Sections 310(5), 310(4), 3(5) of Bhartiya Nyaya Sanhita, 2023, they be released on bail on furnishing P.B. of Rs.25,000/- (Rupees Twenty Five Thousands) each with one local surety of the like amount, on the following conditions:
- (i) The Applicants - Nanda Sanjay Sakat and Durga Sanjay Rakhpasare, Kajal Manish Malavi and Mayadevi Amarkumar shall attend the concerned police station on every Sunday between 11:00 am. to 02:00 pm., till framing of the charge.
 - (ii) They shall attend each and every date of the trial Court without fail unless exempted by the trial Court on emergent consideration.
 - (iii) They shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (iv) They shall submit their Aadhar and PAN Cards to the Investigating Officer and detailed addresses and phone numbers of themselves and two of the near relatives.
 - (v) A single violation of the conditions would entitle the

prosecution to seek cancellation of bail.

(c) The Applications stand disposed of accordingly.

MEHROZ K. PATHAN
JUDGE

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