



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

953 BAIL APPLICATION NO. 2239 OF 2025

SURESHKUMAR BHURSINH RAJPUROIHIT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for applicant : Ms. Suvarna M. Zaware
APP for the respondent – State : Ms. D.S. Jape
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10 DECEMBER 2025

PER COURT :

The applicant has approached this Court seeking regular bail in connection with FIR bearing Crime No. 532 of 2025 dated 14.05.2025 registered with Shirdi Police Station, District - Ahilyanagar for the offences punishable under section 306, 316(2) of the Bharatiya Nyaya Sanhita, 2023.

2. In relation to the incident occurred in the intervening night of 13th and 14th May, 2025, the complainant reached to Shirdi. While delivering the gold ornaments to the goldsmith being a wholesale trader of the gold. In the process, the ornaments were delivered and even the cash amount was collected from some of the vendors.

3. On 13.05.2025, after having visited the vendors at Manmad, the complainant reached the hotel at Shirdi and unsold / undelivered gold ornaments were kept in a bag. At about 11.00 pm, the

complainant reached to the hotel room and kept the bag containing gold ornaments on the bed side table and locked the room.

4. Thereafter, on 14.05.2025, the cousin of the complainant resident of Gujrat, in order to collect the payment. Upon opening the door, found that the door was open. When the complainant was given wake up call by the said cousin, the complainant did not find applicant in the room. The attempts were made to trace the applicant for half hour, and a search was also conducted in Shirdi.

5. Thereafter, upon checking the bag containing gold ornaments, it was revealed to the complainant that the cash amount kept in the bag, the cheques issued by the trader and the gold ornaments of the description given, to the tune of Rs.3,26,00,000/- were found to be stolen.

6. On the basis of aid complaint, crime no. 532 of 2025 came to be registered under section 306 and 316(2) of the Bharatiya Nyaya Sanhita, 2024. In connection with the same, the applicant was arrested on 16.08.2025.

7. Learned counsel for the applicant submits that the applicant has been falsely implicated in the alleged offence. After the arrest of the applicant, recovery has been effected. The stolen articles are recovered. Nothing further remains to be seized from the applicant. Even the relevant documents are also seized. It is also

submitted that the alleged stolen gold ornaments have been recovered. Complaint is filed with exaggeration. It is also submitted that the offence is triable by the learned Magistrate and maximum punishment prescribed is up to 7 years. As such, no purpose would be served by keeping the applicant behind the bar.

8. Learned APP has opposed the request for grant of bail, submitting that the applicant is involved in a serious crime, applicant was aware of the possession of the gold ornaments with the complainant and applicant having worked as the driver, has stolen the gold ornaments and the cash.

9. Learned APP has further opposed the application on the ground that in the event, the applicant is enlarged on bail, the applicant will tamper with the prosecution evidence or will abscond. It is also submitted that the CCTV footage annexed indicates that the accused had entered in the room and then left it with the bag of complainant containing gold ornaments, therefore, there is sufficient material to indicate the complicity of the applicant in the incident. As such, prayed for rejection of the application.

10. Upon considering the submissions of both the sides and perusing the material on record, including the chargesheet, in order to consider entitlement of the applicant to be admitted to bail under section 483 of the BNSS, in a case registered under section 306,

316(2) of the Bharatiya Nyaya Sanhita, 2023, it is well settled that the discretion to grant bail, is to be considered on the basis of the material available.

11. It is a matter of record that the applicant was arrested on 16.08.2025. Thereafter, the investigation has been completed, the chargesheet is also submitted. The recovery at the instance of the present applicant has been effected and the recovered gold ornaments have been identified by the complainant. As such, the further incarceration of the applicant may not be warranted. Since the offence is triable by the Magistrate and maximum punishment is of 7 years, for the alleged offence. In that view of the matter, no further purpose would be served by continued incarceration of the applicant. In any case, trial is also likely to take time. The apprehension expressed by the learned APP in relation to possibility of the applicant to commit similar or other offence and availability of the applicant for the purpose of trial, can be adequately addressed by imposing stringent conditions.

12. Resultantly, the following order is passed :-

ORDER

(I) The Application is allowed.

(II) Applicant – Sureshkumar Bhursinh Rajpurohit be released on regular bail upon furnishing P.R. bond in the sum of Rs.1,00,000/- (Rs. One Lakh only) with two local solvent sureties in the like amount,

in connection with Crime No. 532 of 2025 dated 14.05.2025 registered with Shirdi Police Station, District - Ahilyanagar for the offences punishable under section 306, 316(2) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) After his release from jail, the applicant shall report to the Investigating Officer as and when called for.
- (b) The applicant shall make himself available for each date before the Trial Court and he shall ensure his presence on every date of the trial.
- (c) Applicant shall co-operate with the conduct of trial and attend trial Court on all dates unless specifically exempted.
- (d) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court.
- (e) The applicant shall not influence with any of the prosecution witnesses or tamper with the evidence, in any manner.
- (f) Before his actual release from jail, the applicant shall furnish his address where he propose to reside after his release from jail, to the concerned Police Station and also to the Trial Court.
- (g) In case of infraction of the above conditions and / or two consecutive defaults in marking his attendance before trial Court, it shall attract the provisions of Section 439(2) of Cr.P.C. i.e. for cancellation of bail.

13. Needless to state that these observations made herein-above are confined for deciding the present application and shall not affect merits of the case.

[SACHIN S. DESHMUKH]
JUDGE

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