

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL BAIL APPLICATION NO. 1330 OF 2024**

Lokraj Naval Singh Khatri

.. Applicant

**Versus**

State of maharashtra and Anr.

.. Respondents

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- Mr. Anand Palande, Advocate for Applicant.
- Mr. Jayesh Bhagia, Advocate for Respondent No.2.
- Mr. Dinesh J. Haldankar, APP for State.
- ASI – N.P. Rokade, Crime Branch, Thane.

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**CORAM : MILIND N. JADHAV, J.**

**DATE : MARCH 20, 2025**

**P. C.:**

**1.** Heard Mr. Palande, learned Advocate for Applicant; Mr. Bhagia, learned Advocate for Respondent No.2 and Mr. Haldankar, learned APP for State.

**2.** Applicant - accused has filed the present Application for regular bail in connection with Crime No. 387 of 2023 registered with Ulhas Nagar Police Station for the offences punishable under Sections 380, 381, 454, 457, 34 r/w 120B of the Indian Penal Code, 1860.

**3.** At the outset, Mr. Bhagia, learned Advocate would persuade the Court to allow him to appear on behalf of Respondent No.2 - Original Complainant – First Informant. He has filed Application to seek intervention on behalf of Original Complainant –

First Informant. The Vakalatnama and Intervention Application is given to the Court which is returned back to him for filing the same in the Registry. Registry of this Court is directed to accept the Vakalatnama and the Intervention Application and process the same in accordance with law.

**4.** Pursuant to the order dated 12<sup>th</sup> February, 2025, the Application of the Applicant is being heard. Applicant is arrayed as Accused No.4 in the above crime. Original Complainant - First Informant is the proprietor and owner of the Vijay Laxmi Jewellers at Ulashnagar.

**5.** On the night of 26.06.2023 at about 10:30 pm after shop was closed and gold ornaments were kept in the Locker, the watchman on duty employed by the First Informant made a check of the shop at 03:00 hrs. on the intervening night of 26.06.2023 and 27.06.2023 and confirmed that the shop was shut, closed and locked from the outside. However, on the morning of 28.06.2023, First Informant received a phone call from his watchman who informed that the shop was broken and there was a heist in the shop and people were gathered outside the shop. First Informant went to his shop and found that the shop was broken into with gas cutter and robbery was committed.

**6.** After showing CCTV footage of the surveillance camera in and around the shop to the investigating authority it was seen that the watchman on duty, his wife and 4 other persons with him were seen to have committed the crime by entering into the shop at night. As per the prosecution case gold of more than Rs.3 crores and 20 lakhs was stolen. It is stated in the prosecution case that the watchman on duty who was employed was a substitute in place of the regular watchman of the First Informant who had proceeded on leave for one month to go to Nepal one month prior to the incident as he was hailing from Nepal. The substitute watchman was identified by the prosecution as Mahesh watchman. The 4 other persons who accompanied him comprised of the main accused person namely Dinesh Rawal who hailed from Nepal. Prosecution case for Applicant's indictment is based upon witness statement of one jeweller to whom the said main accused person had approached for the purpose sale of the gold ornaments.

**7.** Insofar as indictment of present Applicant as one of the eight or nine persons involved in the crime is concerned case of prosecution is solely based upon the sole witness statement of one jeweller called Satish B. Jadhav which is appended at page No. 182 of the Application. In that statement he has stated that the principal accused Dinesh Rawal visited his shop one and half month after the

date of the present crime on 14.08.2023. He has stated that at that time he made the present Applicant wait outside his shop and he himself entered the shop and showed to him the gold ornaments which he desired to sell to him and he also left the said ornaments with him and took a receipt for the said ornaments and informed him that he will return back to claim the money from him after some time. He has further stated that insofar as the main accused Dinesh Rawal is concerned, he used to occasionally and regularly visit his shop for the purpose of sale of gold ornaments. When the investigation was carried out he informed the prosecution that on that day when Dinesh Rawal visited his shop the present Applicant was accompanying him but when he entered the shop he made the present Applicant wait outside and the present Applicant was not privy to what transpired between him and Dinesh Rawal. That statement is *prima facie* clear when read at page No.182 of the Application. That apart case of the prosecution is that Applicant is one of the persons who had participated in the crime but there is no *prima facie* material placed on record.

**8.** Submissions made by Mr. Bhagia, learned Advocate for Original Complainant – First Informant are on the ground that present Applicant was keeping a recce outside the shop on the day of the heist in the night when 4 accomplices along with Mahesh watchman entered the shop. He has placed on record list of documents dated

20.03.2025 alongwith his Intervention Application. Directions have been given to the registry to register the Intervention Application in this order itself.

**8.1.** The document which is annexed and relied upon by Mr. Bhagia is the CCTV footage showing photograph of the Applicant. *Prima facie* there is no corroboration as to on which date the said photograph has been taken. That apart the photograph appears to be would possibly of the shop of the witness Satish B. Jadhav who has given his statement to the prosecution which is appended at page No.182 of the Application. Merely on the basis of witness statement the Applicant has been implicated. Applicant is in incarceration since 08.09.2023.

**9.** *Prima facie*, the prosecution has not been able to show or establish the presence of Applicant outside the shop of the First Informant. On record it has been seen that the shop area was heavily under CCTV surveillance and a detailed surveillance report of the CCTV footage has been placed in the chargesheet by the prosecution but there is no identification of the present Applicant therein or any incriminating material placed on record to show his presence.

**10.** From the above *prima facie* material on record Applicant has made out a case for grant of bail. The complicity of the Applicant can undoubtedly be proved by the prosecution at the time of trial.

**11.** Hence, Bail Application is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be released on bail on furnishing PR. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;

(ii) Before his actual release from jail, Applicant shall furnish his address where he proposes to reside after his release from jail to the concerned Police Station and also to the trial Court;

(iii) After his release from jail, Applicant shall report to the Investigating Officer as and when called for;

(iv) Applicant shall attend the trial Court on first Tuesday of every month between 11.00 a.m. and 1.00 p.m. to mark his presence. If the first Tuesday of the said month falls on a holiday and / or non Court working day, the Applicant shall mark presence on the next working day;

(v) Applicant shall co-operate with the conduct of trial and attend the trial Court on all dates unless specifically

exempted and will not take any unnecessary adjournments, if he does so, it will entitle the prosecution to apply for cancellation of this order;

(vi) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vii) Applicant shall not influence with any of the witnesses or tamper with the evidence in any manner; and

(viii) In case of any 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.

**12.** It is clarified that the observations made in this order are limited for the purpose of granting Bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made herein above in this order.

**13.** Bail Application is allowed and disposed.

[ MILIND N. JADHAV, J. ]