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

BAIL APPLICATION NO.2578 OF 2024

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Rajaram Meghwal

... Applicant

V/s.

The State of Maharashtra

... Respondent

Mr. Satish Shukla h/f R. Dwivedi for the applicant.

Ms. Mahalaxmi Ganapathy, APP for the State-
respondent.

V. J. Dhumal, PSI, Tardeo Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JUNE 16, 2025

P.C.:

1. By this application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant seeks his release on regular bail in connection with Crime No.348 of 2023 registered with Tardeo Police Station, Mumbai, for offences punishable under Sections 302, 452, 394, 397, 325, 506, and 120B of the Indian Penal Code, 1860.

2. The case of the prosecution, in brief, is that on the date of incident, when the informant was proceeding for his morning walk, he was allegedly restrained by three persons who forcibly entered his residential premises. It is alleged that the accused persons gagged the informant and overpowered him using physical

force, during which incident the informant's wife, who was present inside the house, allegedly succumbed to injuries. Initially, the case was reported as a theft of gold ornaments and articles valued at approximately Rs.2 lakhs. However, upon further investigation and verification of articles, the stolen property was valued at Rs.1,35,70,776/-. During the course of investigation, the present applicant along with other co-accused came to be arrested, and after completion of investigation, the charge-sheet has been filed before the competent Court.

3. The applicant was arrested on 16th August 2023. It is submitted that the applicant had earlier moved an application seeking bail before the learned Sessions Court, which came to be rejected. Aggrieved by the said rejection, the applicant has approached this Court with the present application seeking enlargement on bail.

4. Learned Advocate appearing on behalf of the applicant has submitted that the applicant is innocent and has been falsely implicated in the alleged crime. It is contended that there is no direct evidence connecting the applicant with the actual commission of offence. It is further submitted that the applicant has not been specifically identified by the informant or any eye-witnesses. There is no recovery of stolen property or any incriminating material at the instance of the applicant. The learned counsel further submitted that the applicant does not have any past criminal antecedents and is a permanent resident, and hence, there is no possibility of his absconding or tampering with the evidence. On these grounds, prayer for grant of bail has been

made.

5. On the other hand, learned APP has strongly opposed the bail application and submitted that the applicant is clearly visible in the CCTV footage collected during investigation, both prior to and subsequent to the alleged incident. It is submitted that the applicant was captured in the footage conducting reconnaissance (reiki) of the area before the occurrence of the offence, and thereafter seen fleeing with stolen articles. It is further pointed out that the applicant was identified during the Test Identification Parade and has also been seen in CCTV visuals in the company of the co-accused in a hotel before and after the incident. The prosecution has emphasized that the other co-accused, with whom the applicant was last seen, have made disclosures leading to recovery of substantial portion of the stolen property. It is also highlighted that the robbery was committed with criminal conspiracy and brutal force, resulting in the death of an elderly lady in the house. Considering the gravity and seriousness of the offence, the manner in which it was executed, and the prima facie involvement of the applicant revealed through electronic and ocular evidence, it is submitted that the applicant does not deserve to be enlarged on bail.

6. Upon careful consideration of the rival submissions and on perusal of the material placed on record, it appears that the investigation is complete and the charge-sheet has been filed. However, the nature and gravity of the allegations made against the applicant require a closer scrutiny at this stage.

7. The FIR and subsequent investigation disclose that the incident involved a well-planned act of robbery executed with the assistance of multiple persons. The house of the informant was allegedly targeted after proper planning and surveillance. It is further alleged that physical force was used during the course of robbery, which resulted in the death of the informant's wife. It cannot be overlooked that the property allegedly stolen is valued at over ₹1.35 crores, which suggests that the act was not a sudden outburst but a deliberate, premeditated offence.

8. The CCTV footage collected during investigation, which forms part of the charge-sheet, prima facie shows the presence of the applicant before and after the offence in suspicious circumstances. The prosecution has also relied on the Test Identification Parade where the applicant is said to have been identified. Although the learned counsel for the applicant has contended that no recovery is made at his instance, the applicant is alleged to be in company of co-accused from whom stolen articles have been recovered. At this stage, this Court is not expected to evaluate the probative value of the evidence but only to assess whether a prima facie case exists.

9. The allegations attract serious offences punishable under Section 302 and Section 397 of the IPC, both of which carry severe punishment and involve moral turpitude. The death of a person in the course of a planned robbery cannot be treated lightly. The applicant's role, as projected in the charge-sheet and supported by electronic and ocular evidence, indicates active participation and conscious involvement.

10. The argument that the applicant has no criminal antecedents does weigh in favour of the applicant to a limited extent. However, in the facts of the present case, that by itself cannot outweigh the seriousness of the offence, the nature of evidence collected so far, and the possibility of tampering with prosecution witnesses, particularly when multiple accused are involved and the trial is yet to commence.

11. Therefore, this Court is of the opinion that the applicant has not made out a case for grant of bail at this stage.

12. Hence, the following order:

(i) The bail application is rejected.

(ii) It is clarified that the observations made hereinabove are only for the purpose of deciding the present application and shall not influence the Trial Court during the course of trial.

(iii) The applicant is at liberty to renew the request for bail after six months, or upon change of circumstances.

(AMIT BORKAR, J.)