

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

BAIL APPLICATION NO. 4267 OF 2024

Rahil Abdul Sattar Chauhan	...Applicant
Versus	
The State of Maharashtra	...Respondent

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Ms. Sana Raees Khan a/w Ms. Neha Balani, Advocate for the Applicant.

Mrs. Anamika Malhotra, A.P.P. for the Respondent – State.

Ms. Ashwini Patil (PSI), Chandan Nagar Police Station, Pune City, present.

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CORAM	:	N. R. BORKAR, J.
DATE	:	25th MARCH, 2025.

P.C.:

1. This is an application for regular bail.
2. The applicant came to be arrested in Crime No.188 of 2019 registered at Chandan Nagar Police Station, District : Pune, for the offences punishable under Sections 395, 396, 364, 342, 323 and 506 and 201 of the Indian Penal Code and Section 4(25) of the Arms Act.
3. On 26th April 2019 complainant Mahendra Patil

received a call from Dr. Sandip Thosar and he informed that amount of Rs.25 crore will be brought from Jalgaon to Pune. The complainant gave this information to Deputy Superintendent of Police Mr. Bhagwat. The complainant again received a call from Dr. Thosar On 27th April, 2019 stating that one Sahil Khan will come with money. On 28th April, 2019 Dr. Thosar and Sahil Khan came to the lodge. Complainant and Rahul Shelar went to the lodge namely Coronet Lodge at Khardi. The complainant met Dr. Thosar and Sahil Khan. He was informed that the amount is to be sent to Maval and Hadapsar. The amount will be shown on the next day. On 29th April, 2019 the complainant received a call from Dr. Thosar and informed him that he should not go to the lodge as there is risk. Dr. Thosar had returned back to his village from lodge. The complainant then received call from Sahil Khan and therefore he went to lodge with Rahul Shelar. One Tejas Chavan was present at the lodge. He showed money to be disposed off. The complainant tried to record the video. The complainant was called to the room by Sahil Khan. According to the prosecution, the present applicant and other

co-accused were present in the said room. They took the articles, such as, phone, clock, chain from complainant and Rahul Shelar. They then demanded Rs.5 crores. Rahul Shelar was assaulted. He was killed and his body was thrown in the river.

4. The bail is sought on the ground of long incarceration as under trial prisoner. The learned counsel for the applicant submits that the applicant is in jail for about six years. It is submitted that this Court has granted bail to the other co-accused on the ground of long incarceration. In support of the said submission, the learned counsel for the applicant has drawn my attention to the order passed by this Court dated 27th August 2024 in Criminal Bail Application No.1496 of 2024.

5. On the other hand, the learned A.P.P. for the Respondent-State submits that the applicant is involved in serious crime of dacoity with murder. It is submitted that the applicant is involved in one more crime for the offences punishable under Section 379 of the IPC. It is submitted that

the trial has already commenced and therefore the present application may not be entertained at this stage.

6. I have perused the order passed by this Court dated 27th August 2024 in Criminal Bail Applicant No.1496 of 2024. By the said order, this Court while releasing the co-accused Somnath Gurusiddhapa Radde on bail has observed thus :

“3) On merit, the Hon’ble Supreme Court of India rejected the application of the applicant on 21st April, 2023 and thereafter the present successive bail application came to be filed on the ground of change in circumstances namely despite the directions by this Court to expedite the trial vide order dated 1st November, 2023 passed in Criminal Bail Application No.2992 of 2022 and to conclude the same within nine months, the trial is not concluded. The present status of the trial is that the chief of the first prosecution witness is recorded. Whereas, there are many witnesses. Thus, there is no end of the trial in sight. The applicant is in jail from last five years. Furthermore, the whole case is based on circumstantial evidence and though the memorandum under Section 27 of the Indian Evidence Act, 1872, cannot be treated as a confession, even if the story narrated in the memorandum is considered, the main role attributed to co-accused Ramakant @ Shailesh Krushnaji Kamble, who has been released on bail.”

7. The applicant is in jail for about six years. In view of the findings recorded by this Court in the above order, I am

inclined to release the applicant on bail.

ORDER

- (i) Criminal Bail Application is allowed;
- (ii) The applicant is directed to be released on bail in connection with Crime No.188 of 2019 registered at Chandan Nagar Police Station, District : Pune, for the offences punishable under Sections 395, 396, 364, 342, 323 and 506 and 201 of the Indian Penal Code and Section 4(25) of the Arms Act on executing P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount;
- (iii) The applicant is permitted to furnish cash bail in the sum of Rs.25,000/- for a period of six weeks in lieu of surety;
- (iv) The applicant shall report concerned Police Station once in a month on first Saturday of the month between 11.00 am to 1.00 pm for a period of six months and thereafter, once in three months on first Saturday of the month between 11.00 am to 1.00 pm till further order.
- (v) The applicant shall attend Trial Court regularly on the date of hearing of the case unless exempted by the Court for some reason;
- (vi) The applicant shall not tamper with the evidence and shall not approach the witnesses;
- (vii) Except for attending the trial and for the purpose

of reporting to the Investigating Officer, the applicant shall not enter the Corporation limits of Pune City after being released on bail, till the trial concludes;

(viii) Application stands disposed of accordingly.

(N. R. BORKAR, J.)