

VRJ

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

BAIL APPLICATION NO.768 OF 2025

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Balu Singh Bhairu Singh Parmar ... Applicant

V/s.

The State of Maharashtra ... Respondent

WITH

BAIL APPLICATION NO.4599 OF 2024

Mahipal Sangram Singh (as per UID)

Mahipal Changram Singh (as per Case) ... Applicant

V/s.

The State of Maharashtra ... Respondent

Mr. Neeraj D. Yadav i/by Sunanaya Dhakkad for the applicant in BA/768/2025.

Mr. Sherali Khan with Nadeem Shaikh for the applicant in BA/4599/2024.

Mr. Prasanna Malshe, APP for the State in both applications.

Mr. Rahul Pol, API, Vakola Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 3, 2025

P.C.:

1. These are applications filed by the applicants under Section 439 of the Code of Criminal Procedure, 1973, praying for their release on bail in connection with Crime No.83 of 2024, registered with Vakola Police Station, Mumbai, for the offences punishable

under Sections 394, 397, 120B read with Section 34 of the Indian Penal Code, 1860, and also under Sections 4 and 25 of the Indian Arms Act.

2. As per the case of the prosecution, the incident took place on 19 January 2024, when the applicant in Bail Application No.4599 of 2024, along with accused No.4, allegedly visited the house of the informant. During the incident, accused No.4 allegedly brandished a pistol, and both of them are stated to have committed robbery of gold ornaments belonging to the informant.

3. Further, the prosecution claims that the applicant in Bail Application No.4599 of 2024 was previously employed by the informant. During investigation, ornaments were recovered from this applicant. As far as Bail Application No.768 of 2025 is concerned, a pistol was recovered from that applicant. The panchnama prepared at the time of seizure records that the pistol was given to the said applicant by accused No.4 for safekeeping.

4. The learned advocate for the applicants argued that both the applicants are young individuals, aged 21 and 24 years, and have no criminal antecedents. It was submitted that they were arrested on 20 January 2024 and the trial is yet to begin, as even charges have not been framed. Hence, it was prayed that the applicants may be released on bail with appropriate conditions.

5. On the other hand, the learned Additional Public Prosecutor (APP) opposed the bail applications and submitted that the CCTV footage, recovery of ornaments, and the FIR naming the applicant, especially considering that one of them worked with the

informant, strongly support the prosecution's case. It was also submitted that since the applicants are permanent residents of Rajasthan, there is a risk that they may not remain available for trial if released on bail.

6. I have considered the submissions of both sides and gone through the charge sheet, statement of the informant, and other supporting material on record. On prima facie consideration, there appears to be some material suggesting involvement of the applicants, particularly because recovery of ornaments and weapon has been shown. However, the role of brandishing the pistol and issuing threat appears to have been played mainly by accused No.4, and not by the present applicants. The pistol was found in possession of the applicant in Bail Application No.768 of 2025, but as per panchnama, it was given to him by accused No.4, which raises a possibility that the said applicant was not the original user of the weapon.

7. Importantly, both the applicants are first-time offenders, having no past criminal record, and are of young age, which is a relevant consideration while deciding a bail application. Prolonged incarceration before trial, especially in cases where the applicants are not the main accused, is not justified. Further, the fact that investigation is complete and charge sheet is already filed reduces the possibility of tampering with evidence.

8. However, it cannot be ignored that the applicants are from Rajasthan, and not local residents of Mumbai. Therefore, in order to ensure their regular attendance before the Court during trial, it

is necessary to impose strict and suitable conditions.

9. Hence, the following order is passed.

10. The applicants - Balu Singh Bhairu Singh Parmar and Mahipal Sangram Singh (as per UID) Mahipal Changram Singh (as per Case) are directed to be released on bail in connection with Crime No.83 of 2024, registered at Vakola Police Station, Mumbai for offences punishable under Sections 394, 397, 120B read with 34 of the Indian Penal Code, 1860, and Sections 4 and 25 of the Indian Arms Act, upon furnishing a personal bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) (each) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

- a) The applicants shall not tamper with the evidence or attempt to influence any witness.
- b) The applicants shall appear before the Trial Court on every date of hearing unless prevented by sufficient cause.
- c) The applicants shall report to the Vakola Police Station on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.
- d) The applicants shall not leave the territorial jurisdiction of the Trial Court without prior permission.
- e) The applicants shall not indulge in any criminal activity during the pendency of the trial.

11. The bail applications stand disposed of in the aforesaid terms.

(AMIT BORKAR, J.)