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

CRIMINAL BAIL APPLICATION NO. 86 OF 2025

Mohanmurari Kamala Shankar Mishra	.. Applicant
Versus	
The State of Maharashtra	.. Respondent

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- Mr. Shirish Gupte, Senior Advocate i/by Ms. Racheeta Dhuru and Mr. Rohit Patil, Advocates for Applicant.
 - Mr. R.M. Pethe, APP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 27, 2025.

P.C.:

- 1.** Heard Mr. Gupte, learned Senior Advocate for Applicant and Mr. Pethe, learned APP for Respondent – State.
- 2.** This is an Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking Regular Bail in connection with C.R.No.172 of 2022 registered with CBD Belapur Police Station for the offences punishable under Sections 420, 170 and 120-B read with 34 of the Indian Penal Code, 1860.
- 3.** Mr. Gupte, learned Senior Advocate for Applicant has argued that the role of the Applicant arraigned as Accused No.2 in the present crime is far lesser as compared to the main Accused namely Accused No.1 and others, 4 co-accused persons who have been enlarged on bail

by this Court and the Supreme Court and in respect of 5 other co-accused persons the prosecution has stated that they will not take any coercive steps against them due to their pending Anticipatory Bail Applications. The date of the crime is 16.08.2022. There is a chain of incidents between 16.08.2022 and 11.10.2022 eventually leading to the filing of the FIR on 14.10.2022.

4. *Prima facie*, it is seen that Accused No.1 alongwith Accused No.4 approached the First Informant on 16.08.2022 and convinced him to accompany him to exchange old currency notes with the new currency notes which he promised to help him. First Informant carried a bag full of Rs.3.5 crores and he alongwith the 2 Accused persons boarded a mini van to proceed to the RBI in Mumbai. They were intercepted by a Car i.e. Innova Car having 6 persons on the way. On Accused No.1's confirmation that occupants of the Innova Car were RBI officials and sources who will exchange the old currency notes with new, the First Informant handed over the bag containing Rs.3.5 Crores to the persons / occupants of the Innova Car and they left.

5. In so far as the present Applicant before me is concerned, he is one of the occupant of the said Innova Car out of the 6 persons therein. He has been identified in the Test Identification parade by the First Informant.

6. Mr. Gupte, learned Senior Advocate has placed before me order of the Supreme Court dated 02.12.2024 which has been passed after the rejection of Application for bail of Accused No.1 and Accused No.4 alongwith another co-accused Mohanmurari on 27.06.2024 by this Court. He would submit that despite the rejection of the bail application in June, 2024, the Supreme Court has allowed the bail of the main Accused No.1 by its order dated 02.12.2024 while considering the facts and circumstances of the case and the period of incarceration undergone by the said principal co-accused being more than 2 years.

7. He has also relied upon the order dated 11.10.2023 passed in Bail Application No.1112 of 2023 in respect of another co-accused namely Zuber Abdul Salam Divekar wherein this Court has granted him bail. Zuber is the driver of the pick-up van in which the First Informant was travelling with Accused Nos.1 and 4 when it was intercepted by the Innova Car in which the present Applicant was one of the occupant. Reliance is also placed on the another order dated 14.03.2024 in respect of co-accused namely Rajesh Keshavlal Thumar arraigned as Accused No.5 being one of the conspirators in the crime in question. From what is submitted before the Court is the presence of Applicant in the Innova Car and the CDRs between the co-accused and he being one of the conspirators.

8. Mr. Gupte, learned Senior Advocate would submit that the Applicant has no antecedents and considering his long incarceration as also the specific chain of facts whereby pursuant to the order dated 27.06.2024, the Supreme Court having enlarged the main Accused on bail by its order dated 02.12.2024, this Court may consider the present Application for bail on changed circumstances.

9. Mr. Pethe, learned APP would persuade me to consider the provisions of Section 362 of the Code of Criminal Procedure, 1973 and would submit that role of the Applicant has been clearly delineated in paragraph No.15 of the order dated 27.06.2024 by this Court and his Bail Application is rejected on merits and there are no changed circumstances. He would submit that present Application filed by the Applicant would therefore clearly amount to a review of the earlier rejected Bail Application.

10. Mr. Pethe, learned APP persuades the Court to permit him to file Affidavit within a period of two weeks from today positively. After the appropriate Affidavit is filed, Bail Application of the Applicant shall be considered.

11. List the Bail Application on Board on **13th March, 2025.**

[MILIND N. JADHAV, J.]

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