

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

Criminal Bail Application No.197 of 2025

Chandrakant Ramesh Deshmukh

Aged 36 years, Occ. Service,

R/at-31A, Mahabal Colony,

Behind People's Bank,

Mahabal Bus Stop, Jalgaon-425 002.

... Applicant

Versus

The State of Maharashtra

At the instance of Chaturshrungi Police

Station. Copy to be served upon Public

Prosecutor, P.P. Office, High Court,

A.S. Mumbai.

... Respondent.

Mr Manoj Kondekar a/w Mr Kiran Mohite i/b Manoj
Kondekar, for the Applicant.

Mr S V Walve, APP, for Respondent / State.

PSI Manisha Jadhav, Chaturshrungi Police Station, Pune City, is
present.

Coram: R.N. Laddha, J.

Date: 4 December 2025

P.C.:

By this application, the applicant seeks bail in connection
with CR No.642 of 2024, registered at Chaturshrungi Police
Station, Pune, for offences punishable under Sections 310(2),
140(2), 351(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS);
Section 4(25) of the Arms Act, and Sections 37(1) r/w 135 of

the Maharashtra Police Act.

2. The gravamen of the First Information Report is that on 22/07/2024, between 15:00 hours and 18:00 hours, the applicant, along with four unknown associates, acting in furtherance of their common intention, approached the complainant under the pretext of seeking information regarding a stock market course. It is alleged that they thereafter kidnapped him by forcibly taking him away in an Innova vehicle, criminally intimidated him with threats to kill, and brandished a knife. It is further alleged that they forcibly snatched his mobile phone, obtained its password, and thereafter unlawfully transferred 17,610.042285 USDT (cryptocurrency) valued at Rs.16,02,510/- from his account. By committing the aforesaid acts, the accused persons are stated to have committed the offences in question.

3. The learned Counsel appearing on behalf of the applicant has vehemently urged that the applicant is innocent and has been falsely implicated in the present case. It is submitted that the applicant is not named in the FIR, nor has any specific overt act been attributed to him therein. The identification of the applicant, it is submitted, occurred at a much later stage and suffers from serious infirmities.

4. It is further contended that the Innova vehicle allegedly used in the commission of the offence was not recovered from the applicant, but was seized at the instance of co-accused No.1. The prosecution's own case is that the registered owner handed the vehicle to co-accused Jitendra, who allegedly passed it on to the present applicant. However, no investigation has been carried out to establish or verify this alleged chain of custody. According to the learned Counsel, the failure of the investigating officer to ascertain the ownership and possession of the vehicle at the relevant time has created a material lacuna in the prosecution's case, diminishing the evidentiary value of the alleged recovery. It is also submitted that no financial trail has been traced to the applicant. The prosecution alleges that the proceeds of the crime were transferred to the account of co-accused Mayur, and not to the applicant. This, it is contended, severs any direct monetary connection between the applicant and the alleged offence.

5. It is further submitted that the applicant has been languishing in jail since 4th August 2023, and it is undisputed that the charges have not yet been framed. The delay in the commencement of the trial has resulted in prolonged pre-trial incarceration.

6. Another circumstance highlighted is the inordinate delay of forty-six days in conducting the TI Parade after the arrest of the applicant. During the TI Parade, the applicant was allegedly identified, but no specific role was attributed to him, nor was the informant's statement recorded thereafter. According to the learned Counsel, the delayed TI Parade and the absence of the corroborative material, *prima facie* diminishes its reliability. It is further submitted that the weapon alleged to have been used was recovered from the co-accused and not from the applicant. Further, it is emphasised that the applicant has no criminal antecedents.

7. On the other hand, the learned Additional Public Prosecutor representing the respondent/State, vehemently opposes the applicant's request for bail. It is submitted that the offence is of a grave and serious nature, warranting stringent actions. It is further contended that the applicant has been duly identified by the informant during the TI Parade and he is a direct beneficiary of the crime, having received a share of the proceeds from the robbery.

8. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. It is a settled position of law that the seriousness of the offence,

though relevant, cannot be the sole ground to deny bail, particularly when substantial doubts arise about the applicant's role and when prolonged incarceration is not attributable to the applicant.

9. It is discernible from the material placed on record that the name of the applicant does not find mention in the FIR, nor has any specific overt act been attributed to him in the commission of the alleged offence. The TI Parade, which was conducted after an inordinate and unexplained delay of forty-six days, further diminishes its probative value, particularly in the absence of any subsequent recording of the informant's statement to corroborate the identification. Moreover, the prosecution has failed to recover the vehicle allegedly used in the commission of the offence from the applicant's possession, and the investigation into the chain of custody of the said vehicle remains inconclusive, thereby casting doubt on the applicant's direct involvement. It is also pertinent to note that the weapon purportedly used in the offence has not been recovered from the applicant. The applicant has been languishing in jail since 4 August 2023, and there appears to be no immediate prospect of the commencement of a trial. It is further submitted that the applicant has no antecedents indicative of prior criminal conduct, and the prosecution has

not brought on record any material to suggest that the applicant is likely to abscond, tamper with evidence, or influence witnesses, in the event of his release on bail.

10. In these circumstances, this Court is of the opinion that the applicant has made out a case for the grant of bail.

ORDER

(i) The applicant shall be released on bail in CR No.642 of 2024, registered at Chatushrungi Police Station, Pune, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall cooperate and regularly attend the trial proceedings before the jurisdictional Court for the expeditious disposal of the case.

11. The application stands disposed of accordingly.

[R.N. Laddha, J.]