

Shabnoor

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

BAIL APPLICATION NO. 392 OF 2025

Mangesh Ashok Karande	... Applicant
V/s.	
State of Maharashtra	... Respondent

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Mr. Abhishek A. Gupta a/w Mr. Anand Mishra, for the applicant.

Mrs. Mahalaxmi Ganapathy, APP for the State – respondent.

CORAM : AMIT BORKAR, J.

DATED : JUNE 27, 2025

P.C.:

1. The present application is filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973, seeking his release on bail in connection with Crime Register No.318 of 2024 registered with Samta Nagar Police Station, Mumbai. The offences alleged against the applicant are punishable under Sections 364(A), 323, 386, 504, 506(2), and 120-B read with Section 34 of the Indian Penal Code, 1860.

2. The learned Advocate appearing for the applicant submitted that the case of the prosecution mainly rests on the allegation that the applicant was sitting on the left side of the complainant during the alleged incident of kidnapping. However, it is pointed out that the complainant has not identified the applicant at any stage of the

investigation. The learned Advocate further submitted that the name of the applicant surfaced only on the basis of a statement made by the co-accused, who was the driver involved in the incident.

3. It is also submitted that there is a discrepancy in the recovery panchnama prepared by the investigating agency. According to the learned counsel, the number of bundles of cash shown in the panchnama does not match the total monetary amount that is alleged to have been recovered from the accused persons. Insofar as the applicant is concerned, it is submitted that ₹17 lakh is said to have been recovered from him, but the documentation does not show clear correspondence between the physical bundles and the total amount. It is further submitted that the applicant has no criminal antecedents and has been arrested on 12 May 2024. Considering that investigation is substantially complete and custodial interrogation is no longer required, the applicant prays for his release on bail.

4. Per contra, the learned APP opposed the bail application and submitted that the investigation has revealed that a total amount of ₹56,80,000/- was recovered from the main accused and the present applicant, out of which ₹17 lakh was specifically recovered from the possession of the applicant. It is submitted that the discrepancy in the number of bundles mentioned in the recovery panchnama appears to be of clerical nature and does not affect the evidentiary value of the recovery. It is further submitted that the driver, who is a co-accused, has named the present applicant and that the offence of kidnapping for ransom under Section 364(A)

IPC is of serious nature, attracting stringent considerations for grant of bail. Therefore, it is contended that the applicant does not deserve to be released on bail at this stage.

5. Having considered the rival submissions and after going through the material placed on record, it appears that the identification of the applicant by the complainant is not forthcoming from the record. The only incriminating material against the applicant is the alleged recovery of ₹17 lakh and the statement of the co-accused. The recovery panchnama, though disclosing a discrepancy in the number of bundles, has not been shown to be conclusively establishing the direct involvement of the applicant in the offence of kidnapping for ransom.

6. The applicant has no criminal antecedents and is in custody since 12 May 2024. The investigation appears to be substantially completed, and chargesheet is likely to be filed, if not already filed. There is no material shown to this Court to indicate that the applicant, if released on bail, is likely to abscond or tamper with evidence or influence witnesses.

7. In view of the overall facts and circumstances of the case, especially the lack of identification by the complainant, absence of criminal history, and the fact that the recovery is not conclusively proved to be from the applicant, this Court is of the opinion that the applicant deserves to be released on bail with stringent conditions.

8. Hence, the following order is passed:

(a) The Bail Application is allowed.

(b) The applicant, shall be released on bail in connection with Crime Register No. 318 of 2024 registered with Samta Nagar Police Station. The applicant is charged for offences punishable under Sections 364(A), 323, 386, 504, 506(2), 120-B read with 34, upon furnishing a Personal Bond of ₹50,000/- (Rupees Fifty Thousand only) along with one or more solvent sureties in the like amount, to the satisfaction of the learned Trial Court, subject to the following conditions:

(c) The applicant shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(d) The applicant shall attend all proceedings before the Trial Court regularly, unless exempted by the Court on valid grounds supported by sufficient cause.

(d) The applicant shall report to the Samta Nagar Police Station, on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

(e) The applicant shall not leave the territorial jurisdiction of the Trial Court without its prior written permission.

(f) The applicant shall not commit any offence or engage in any criminal activity during the pendency of the trial.

(g) The applicant shall, at the time of furnishing surety, provide his current residential address and mobile number to

the Investigating Officer as well as the Trial Court, and shall inform the Court in writing of any change in residence or contact details during the pendency of the case.

9. The Bail Application is accordingly disposed of in above terms.

(AMIT BORKAR, J.)