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

BAIL APPLICATION NO. 470 OF 2025

Sunny @ Badshah @ Yogesh Waghmare ... Applicant
V/s.
 The State of Maharashtra ... Respondent

Ms. Misbaah Amin Solkar a/w. Mr. Amin Solkar,
 Ms. Sejal Jain, Advocate Taha and Mr. Parvez Sanadi
 for applicant.

Mrs. Mahalakshmi Ganapathy, APP for respondent-
 State.

CORAM : AMIT BORKAR, J.

DATED : JULY 11, 2025

P.C.:

1. By the present application filed under Section 439 of the Code of Criminal Procedure, 1973, the applicant is seeking his release on regular bail in connection with Crime Register No. 163 of 2023 registered with Hill Line Police Station for the offences punishable under Sections 394, 504 and 506 read with Section 34 of the Indian Penal Code, 1860 and Sections 37(1) and 135 of the Maharashtra Police Act, 1951. Subsequently, provisions under Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short, "MCOC Act") have also been invoked in the course of investigation.

2. The prosecution case, as gathered from the charge-sheet and the First Information Report dated 01.05.2023, is as follows: The

informant, Rahul Ramchandra Bulani, is a vegetable vendor by occupation, residing and conducting business along with his father near Old Post Office, Ulhasnagar-5. On the date of the incident, at about 3:00 p.m., after completing his business for the day and collecting an amount of ₹30,200/-, the informant proceeded along with his cousin Vishal Keshwani on a motorcycle towards a nearby hotel for refreshment.

3. It is alleged that at about 4:00 p.m., near Sachin Kirana Stores, the applicant Hrutik alias Rohit Teji and his unknown accomplice, both riding an Avenger motorcycle, intercepted the informant. Upon refusal to stop, the applicant is alleged to have abused and threatened the informant. Thereafter, the applicant forcibly took the informant and his cousin to the parking area of a garbage vehicle (Kachra Gadi), where co-accused Deva alias Devraj Valmiki and one Krishna were already present.

4. The accused persons are alleged to have assaulted the informant and his cousin and taken them to a room in a nearby chawl. There, the applicant allegedly brandished a chopper and put it on the neck of the informant, forcibly snatching ₹30,200/- from him. It is further alleged that co-accused Deva, by pointing a knife, forcibly took ₹2,600/- from Vishal Keshwani. When the informant and his cousin raised an alarm, the accused persons allegedly threatened bystanders including a watchman with weapons, resulting in their fleeing from the scene. Thereafter, the informant approached the Hill Line Police Station and lodged the FIR.

5. Learned Counsel for the applicant submitted that the identity of the unknown person mentioned in the FIR has not been established in the Test Identification Parade, and apart from the confessional statement recorded under Section 18 of the MCOC Act, there is no substantive material on record to directly implicate the applicant. It is further submitted that the said confessional statements have already been retracted. The applicant is a first-time offender and has no criminal antecedents. On these grounds, the learned counsel prayed for grant of regular bail to the applicant.

6. On the other hand, the learned APP strongly opposed the application and placed reliance upon the confessional statements recorded under Section 18 of the MCOC Act. She pointed out that the Avenger motorcycle referred to in the FIR has been recovered during the course of investigation, along with cash amounting to ₹4,500/-, which was allegedly part of the robbed amount. It is, therefore, contended that sufficient prima facie material exists against the applicant, and considering the serious nature of allegations and the applicability of the MCOC Act, the applicant does not deserve to be enlarged on bail at this stage.

7. I have given my anxious consideration to the submissions advanced on behalf of the applicant and the learned APP and have perused the material placed on record including the FIR, statements under Section 18 of the MCOC Act, recovery panchnamas, and other investigation papers.

8. At the outset, it is to be noted that though the FIR alleges

serious overt acts attributed to the applicant and other co-accused persons, the identity of one of the alleged assailants remains unestablished through any Test Identification Parade. Furthermore, the applicant herein has already retracted his confessional statement recorded under Section 18 of the MCOC Act.

9. Prima facie, save and except the retracted confession and the recovery of ₹4,500/-, which is not directly connected to the applicant but allegedly recovered in the course of investigation, there appears no substantive material on record at this stage to show the applicant's active involvement in the commission of the offence. The motorcycle allegedly used in the offence has been recovered, however, there is no specific attribution that it belonged to or was in possession of the present applicant at the time of the incident.

10. The applicant is a young person, and it is submitted that he has no prior criminal antecedents. He is stated to be a permanent resident and there is no material to indicate that he poses a flight risk or is likely to tamper with the prosecution evidence or influence witnesses, if released on bail. The investigation is complete and charge-sheet has been filed. Custodial interrogation is, thus, no longer necessary.

11. It is well settled that the object of bail is to secure the presence of the accused at trial without unreasonably depriving him of his liberty, particularly when the accused is not a flight risk and when the trial is likely to take a considerable time to conclude. Further, when reasonable grounds for believing the guilt of the

accused under the MCOC Act are yet to be firmly established through evidence in trial, this Court is of the opinion that a case for grant of bail is made out.

12. Hence, in the totality of circumstances, this Court is of the considered view that continued incarceration of the applicant is not warranted. Appropriate conditions can be imposed to ensure his presence during trial and to prevent misuse of liberty.

13. Hence, the following order is passed:

14. The applicant Sunny @ Badshah @ Yogesh Waghmare is directed to be released on regular bail in connection with Crime Register No.163 of 2023, upon furnishing a personal bond of ₹ 50,000/- (Rupees Fifty Thousand only) with one or more solvent sureties in the like amount, to the satisfaction of the Trial Court, subject to the following conditions:

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

activity during the pendency of the trial.

f) Any breach of these conditions shall result in the prosecution moving for cancellation of bail before the Trial Court.

15. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)