

Shabnoor

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

BAIL APPLICATION NO.668 OF 2025

Jiten Babulal Zanja & Anr.	... Applicants
V/s.	
State of Maharashtra	... Respondent

Mr. Vicky Mehta a/w Jitendra Yadav a/w Rohit Upadhyay i/b Jitendra P Yadav, for the applicants.

Mrs. Rajashree V. Newton, APP for the State – respondent.

Mr. Musale, (I.O.) API, Mandavi Police Station is present.

CORAM : AMIT BORKAR, J.

DATED : JULY 24, 2025

P.C.:

1. The present application for regular bail has been moved by the applicants under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime Register No.134 of 2022, registered with Mandavi Police Station, District Palghar. The applicants stand charged for having allegedly committed offences punishable under Sections 395 (dacoity), 341 (wrongful restraint), and 342 (wrongful confinement) of the Indian Penal Code, 1860.

2. The prosecution story, as emerging from the material placed on record, in brief, is that the first informant, who works as a

driver for the Bombay-Pune Transport Company, was transporting goods in an Eicher Tempo bearing registration number HR-38/AC-9118 from the State of Haryana to Bhiwandi. He was accompanied by his brother-in-law, Mr. Sonu Kumar, who is also employed by the same transport company. On 10th October 2022, after completing the delivery at Bhiwandi, the complainant collected another consignment from Rabale for onward delivery to Jaipur. While travelling via the Mumbai-Ahmedabad Highway, and upon reaching the area falling within the jurisdiction of Village Sakwar, the complainant's vehicle was allegedly intercepted by occupants of an Innova car. It is alleged that the assailants forcibly brought the vehicle to a halt, physically assaulted the complainant and his companion, blindfolded them with adhesive bandages, and tied their hands with tape. Both the victims were thereafter forcibly removed from the tempo and taken in the said Innova car to some unknown location. Subsequently, they were abandoned at a secluded place, and the perpetrators allegedly absconded along with the goods loaded in the tempo. The value of the goods stolen in the said incident is reported to be approximately ₹1,46,01,143/-. On the basis of this incident, the present First Information Report came to be registered. The applicants had initially sought bail before the learned Sessions Court; however, the said application was rejected. The applicants have, therefore, approached this Court by filing the present bail application.

3. The learned Advocate appearing on behalf of the applicants has strenuously urged that there is no cogent material on record which can prima facie establish the involvement of the applicants

in the commission of the alleged offence. It is submitted that no recovery of stolen property has been effected from either of the applicants. It is further pointed out that no Test Identification Parade (TIP) has been conducted till date in which the applicants have been identified as the assailants by the victims. The learned counsel also draws attention to the fact that although the prosecution has relied upon CCTV footage showing certain vehicles, the same does not reflect or capture the presence of the applicants in or around the spot of the incident. It is argued that there is complete absence of any independent eyewitness who can directly connect the applicants with the crime in question. On the strength of these submissions, it is prayed that the applicants may be enlarged on bail.

4. Per contra, the learned Additional Public Prosecutor representing the State has vehemently opposed the grant of bail. It is submitted that upon filing of the charge-sheet, there is sufficient material collected by the Investigating Agency which prima facie connects the applicants with the crime in question. The learned APP further submits that the applicants have antecedents of a criminal nature and have been involved in other similar cases, thereby showing a pattern in their conduct. Having regard to the serious nature of the allegations, the gravity of the offence, and the involvement of organised criminal elements in the commission of the dacoity, the learned APP contends that this is not a fit case for grant of bail and urges for rejection of the application.

5. I have given my thoughtful consideration to the submissions advanced by the learned counsel appearing for the applicants and

the learned Additional Public Prosecutor. I have also perused the material placed on record, including the FIR, charge-sheet, and other documents.

6. At the outset, it must be noted that the present stage is not for appreciating the evidence in detail, but only for forming a prima facie view as to whether the applicants are entitled to be released on bail.

7. Upon perusal of the prosecution case, it appears that although serious allegations have been made, no recovery of the stolen goods has been made from the applicants. Further, there is no Test Identification Parade (TIP) conducted during investigation to establish that the applicants were the same persons who allegedly committed the dacoity. This creates a doubt, at least at this stage, about the direct involvement of the applicants in the incident.

8. There is no material such as electronic surveillance, call detail records (CDRs), or location tracking data which links the applicants with the Innova car allegedly used in the offence.

9. It is also important to note that no independent witnesses have come forward who can connect the applicants with the commission of the crime. The case is primarily based on the allegations in the FIR and certain assumptions drawn by the Investigating Officer.

10. So far as the submission regarding the applicants having criminal antecedents is concerned, it is a settled principle of law that antecedents alone cannot be a ground for denial of bail,

unless there is specific material on record showing a propensity to commit similar offences and a likelihood of tampering with evidence or influencing witnesses. In the present case, the prosecution has not brought on record any cogent material to show that the applicants, if released on bail, would misuse their liberty.

11. The offence is undoubtedly serious in nature. However, the applicants have been in custody since their arrest, and the trial is likely to take considerable time, as several witnesses are yet to be examined. In such a situation, continued incarceration would serve no fruitful purpose, especially when there is no strong prima facie evidence of direct involvement of the applicants.

12. Therefore, considering the overall facts and circumstances of the case, the nature of evidence, absence of recovery, non-holding of TIP, and the principle that an accused is presumed to be innocent until proven guilty, I am of the considered opinion that the applicants deserve to be released on bail.

13. Hence, the following order is passed:

- (i) The Bail Application is allowed.
- (ii) The applicants shall be released on bail in connection with Crime Register No. 134 of 2022 registered with Mandavi Police Station, District Palghar, for offences punishable under Sections 395, 341, and 342 of the Indian Penal Code, upon furnishing a Personal Bond of ₹25,000/- (Rupees Twenty-Five Thousand only) each, along with one or more solvent sureties in the like amount, to the

satisfaction of the learned Trial Court, subject to the following conditions:

(a) The applicants shall not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness.

(b) The applicants shall report to the Mandavi Police Station, District Palghar on the first Monday of every month between 10.00 a.m. and 12.00 noon, until further orders.

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

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

(g) The applicants shall, at the time of furnishing surety, provide their 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.

14. The Bail Application stands disposed of in above terms.

(AMIT BORKAR, J.)