

AGK

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

**BAIL APPLICATION NO.1251 OF 2025**

|                                 |                 |
|---------------------------------|-----------------|
| Ramnaresh Ramdayal Dhore        | ... Applicant   |
| <b>V/s.</b>                     |                 |
| The State of Maharashtra & Anr. | ... Respondents |

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Ms. Rachana Harpale for the applicant.

Mr. Prasanna P. Malshe for respondent No.1-State.

**CORAM : AMIT BORKAR, J.**

**DATED : JULY 18, 2025**

**P.C.:**

1. By the present application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), the applicant is seeking regular bail in connection with Crime Register No. 380 of 2024 registered with Dadar Railway Police Station, Mumbai, for offences punishable under Sections 328, 379, and 414 of the Indian Penal Code, 1860 (for short, “IPC”).

2. As per the case of the prosecution, the incident occurred on 17th May 2024. The informant, a resident of Hatnur, was standing in queue at Platform No. 14 of Dadar Railway Station, awaiting the arrival of the Dadar-Pondicherry Express. Since the general compartment was already crowded, he stood patiently in line. At that time, a person aged between 50 to 60 years, having a thin physique and grey hair, approached the informant and initiated a

casual conversation. He asked the informant where he was travelling, whether he was accompanied, and why the train was delayed. The informant informed him that he was going to Miraj. The said person claimed he was also going to Miraj and requested the informant for a bottle of water. The informant obliged and gave his water bottle to the said person, who moved ahead.

3. After a while, the same person returned, holding the bottle in his hand after shaking it, and gave it back to the informant. The informant drank the water. Meanwhile, the train, instead of arriving on Platform No. 14, came on Platform No. 13. Accordingly, the informant went to Platform No. 13 and boarded the general compartment. Thereafter, he started feeling dizzy. He managed to sit on his seat, and within 15–20 minutes, he went into deep sleep. When he woke up around 6.38 a.m., the train had reached Pune Station. At that point, the informant realised that his gold chain and gold ring were missing. Despite efforts to search for the items and make inquiries, he could not recover them. He then inquired with a co-passenger seated near him, who informed that while the informant was asleep, an elderly person resembling the same individual who had earlier asked for water had come close to him. The informant, upon receiving this information, suspected the said person of administering some stupefying substance through the water and committing the theft. Accordingly, an FIR was registered against an unknown person.

4. Learned Advocate for the applicant submitted that there is a discrepancy between the weight of the gold jewellery stated by the informant in the FIR and the quantity recovered during

investigation. It is also submitted that although the police have seized the applicant's bank account, no substantial or suspicious transactions indicating proceeds of crime are seen therein. Furthermore, though the CCTV footage allegedly shows the applicant shaking the water bottle and handing it to the informant, it has not been scientifically proved that the bottle contained any stupefying or intoxicating substance. The eye-witness, i.e., the co-passenger sitting beside the informant, did not name or identify the applicant at the initial stage. The applicant was arrested on 24th August 2024, and considering the progress of investigation, he deserves to be released on bail.

5. On the other hand, the learned APP opposed the bail application. He submitted that the accused had deceitfully taken the water bottle from the informant, laced it with a sedative, and handed it back, causing the informant to become unconscious. Taking undue advantage of the same, the applicant allegedly committed theft of the informant's gold chain and ring. The CCTV footage clearly shows the accused shaking the bottle and returning it to the informant. It further shows the applicant alighting from the train at Karjat Railway Station. The applicant was subsequently identified by the informant during the Test Identification Parade (TIP). He was traced in Uttar Pradesh using mobile phone tracking. The stolen gold articles belonging to the informant were recovered from the applicant. The learned APP also pointed out that the applicant is a habitual offender and cash deposits were found in his bank account which he has failed to explain satisfactorily. Therefore, it was urged that the applicant does not

deserve the discretionary relief of bail and the application be rejected.

6. I have given thoughtful consideration to the submissions made by the learned Advocate for the applicant and the learned APP for the State. I have also carefully gone through the case papers, including the FIR, statements of witnesses, CCTV footage, and recovery panchnamas.

7. The allegations made against the applicant are of a very serious and grave nature. The manner in which the offence is alleged to have been committed, shows a deliberate and pre-planned act involving deception and administration of a suspected stupefying substance. From the material placed on record, it appears that the applicant engaged the informant in a casual conversation, took his water bottle, and allegedly laced it with some sedative before returning it. This is not a case of mere theft, but one in which the alleged act involves endangering the life and safety of a fellow passenger in a public place like a railway platform and inside a moving train.

8. The CCTV footage placed on record shows that the applicant is seen shaking the bottle and handing it back to the informant. Immediately after drinking the water, the informant began to feel dizzy and soon became unconscious, which strongly suggests that the bottle was tampered with. This sequence of events lends substantial support to the prosecution's version that the applicant used deceitful methods to render the informant unconscious and then committed theft of his valuable gold ornaments.

9. Moreover, the subsequent recovery of the informant's gold chain and ring from the applicant's possession adds further weight to the prosecution case. Such recovery, when read with the chain of events, prima facie establishes a direct link between the applicant and the crime. The conduct of the applicant in fleeing and later being traced to another State (Uttar Pradesh) also indicates a consciousness of guilt. These facts taken together do not show an isolated or accidental incident but rather point towards a calculated offence aimed at personal gain by targeting innocent passengers through dishonest means.

10. It is also pertinent to note that the applicant was apprehended in Uttar Pradesh, based on mobile location tracking, and was thereafter brought to Mumbai. The informant has identified the applicant in the Test Identification Parade. There are also cash deposits in the bank account of the applicant which he has not been able to explain satisfactorily. The prosecution has also contended that the applicant is a habitual offender. These circumstances raise serious concern about the applicant's antecedents and his potential involvement in similar offences.

11. The nature of the offence under Section 328 of IPC is not only against an individual but affects public safety at large, particularly passengers travelling on trains. Grant of bail in such cases, at this stage, may send a wrong message and may hamper further investigation into the possible involvement of the applicant in other similar crimes. There is a reasonable apprehension that if the applicant is released on bail, he may tamper with the evidence, influence witnesses, or even abscond.

**12.** The contention raised by the defence regarding the weight of the gold ornaments being different and non-establishment of presence of sedative substance in the bottle, though relevant, are matters of trial and require deeper scrutiny of evidence, which cannot be undertaken at this stage. Prima facie, the prosecution has placed sufficient material to show involvement of the applicant.

**13.** In view of the above discussion and considering the seriousness of the offence, manner in which it is alleged to have been committed, and the material collected during investigation, this Court is not inclined to exercise its discretion in favour of the applicant.

**14.** The Bail Application stands rejected.

**(AMIT BORKAR, J.)**