

AGK

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

BAIL APPLICATION NO.1849 OF 2025

Ronit Ravindra Kadam	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Jigar Agarwal with Ms. Ashna Ashrofi for the applicant.

Mrs. Mahalakshmi Ganapathy, APP for the respondent-State.

Mr. S.B. Salve, PSI, Hill Line Police Station, Ulhasnagar, is present.

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CORAM : AMIT BORKAR, J.

DATED : AUGUST 22, 2025

P.C.:

1. By the instant bail application filed under Section 439 of the Criminal Procedure Code, 1973 ("Cr.P.C." for short), the applicant is seeking his release on regular bail in connection with Crime Register No.182 of 2023 registered with Hill Line Police Station, Ulhasnagar. The offences alleged against the applicant are punishable under Sections 394, 506(2), and 34 of the Indian Penal Code, 1860 ("IPC" for short), Sections 37(1)(a), 37(3) and 135 of the Maharashtra Police Act, 1951, and also under Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organized Crime Act, 1999 ("MCOCA" for short).

2. As per the prosecution case, the incident occurred on 18 May 2023 when the first informant, one Lakhan Mohan Chabriya, who is the owner of Vaishnav Hotel, along with his wife and son, went to Sadguru Hotel at Machi Market for breakfast at about 4.20 a.m. They parked their car outside and entered the hotel. At that time, the present applicant along with two associates was already inside. The applicant allegedly demanded a wrist watch from the informant, and on account of fear, the informant handed it over. When the hotel waiter, namely Bhavesh Mirchandani, intervened, the applicant became angry and threatened him. Thereafter, the informant took a parcel of breakfast and proceeded to leave. At that stage, the accused persons allegedly demanded money from the informant for purchasing ganja. The informant managed to arrange Rs.200/- from the hotel owner and offered it, but the accused refused and instructed their companion to bring a chopper. The applicant then allegedly threatened the informant with the said chopper, brandished a revolver, and forcibly extracted Rs.11,600/- from his pocket. When the informant raised an alarm, the accused allegedly threatened the bystanders with the chopper, creating fear, and then fled away on a motorcycle with their associates.

3. Learned Advocate for the applicant has argued that on a plain reading of the First Information Report ("FIR"), the main role is attributed to the gang-leader and another co-accused, who is alleged to have wielded the chopper at the instance of the gang-leader. According to him, the role of the present applicant is only of a person present at the spot, and no specific overt act of

extortion is clearly attributed to him. He further submitted that the applicant has no criminal antecedents and has been in custody since 26 May 2023. The investigation is complete and charge-sheet has already been filed. Therefore, it is submitted that the trial is not likely to conclude in the near future and continued incarceration of the applicant would serve no fruitful purpose. On these grounds, the applicant seeks his release on bail.

4. Per contra, learned APP has opposed the application. She submitted that there is material on record in the form of the confessional statement of the co-accused, which shows that the applicant had prior knowledge of the plan and was part of the conspiracy. The material collected during investigation indicates that the applicant is not an innocent bystander but is an active member of a crime syndicate led by accused No.1. The alleged offence is not a solitary act but forms part of an organized activity punishable under the provisions of the MCOCA. She, therefore, contended that considering the gravity of the offence, the organized manner in which it was executed, and the larger conspiracy reflected from the case diary, the applicant is not entitled to the discretionary relief of bail.

5. I have carefully considered the rival submissions and gone through the material placed on record. At this stage, it is settled law that while deciding an application for bail, the Court is not expected to conduct a mini-trial or to meticulously examine the evidence. The Court is required to see whether, on the basis of the material collected, a prima facie case is made out against the applicant and whether further detention is necessary.

6. It is true that the offences alleged are serious in nature and involve invocation of provisions of MCOCA. However, it must be noted that the role of the present applicant, as reflected in the FIR, does not stand on the same footing as that of the gang-leader or the co-accused who are attributed with carrying weapons and snatching money from the informant. The FIR and subsequent statements appear to attribute the prime role to the gang-leader, whereas the allegations against the applicant are of presence and participation. The confessional statement of a co-accused, though admissible under MCOCA, would still be a matter of scrutiny during the trial, and it would be unsafe to solely rely upon the same for continued pre-trial detention.

7. The applicant has been in custody since 26 May 2023. The charge-sheet has already been filed and, therefore, the custodial interrogation of the applicant is no longer required. Considering the number of accused and the provisions invoked, it is evident that the trial is not likely to conclude in the near future. Prolonged pre-trial detention, when the trial is likely to take considerable time, would amount to punishing the accused even before he is found guilty. The applicant also has no criminal antecedents, which reduces the likelihood of his indulging in similar activities during the pendency of the trial.

8. Having regard to the above circumstances, this Court is of the considered view that the applicant deserves to be enlarged on bail by imposing suitable conditions to secure his presence during trial and to ensure that he does not misuse the liberty granted.

9. Hence, following order is passed:

i) The bail application is allowed;

ii) The applicant is directed to be released on regular bail in connection with Crime Register No.182 of 2023 registered with Hill Line Police Station, Ulhasnagar for offences punishable under Sections 394, 506(2), and 34 of the IPC, Sections 37(1)(a), 37(3) and 135 of the Maharashtra Police Act, 1951 and Sections 3(1)(ii), 3(2), and 3(4) of the MCOCA, upon furnishing a personal bond of Rs.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 not tamper with evidence, or directly or indirectly contact, influence, threaten, or intimidate any witness, particularly family members of the deceased.

(b) The applicant shall report to the Hill Line Police Station, Ulhasnagar once in a month, specifically on the 1st Monday of each month, between 10:00 a.m. and 12:00 noon, until further orders.

(c) The applicant shall not enter the territorial jurisdiction of the Trial Court until further orders passed by the Trial Court, except for marking presence and attending trial .

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

(e) 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.

(f) In case of any breach of the conditions mentioned above, the prosecution shall be at liberty to move for cancellation of bail.

10. The bail application is allowed and disposed of.

(AMIT BORKAR, J.)