

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 2883 OF 2025

Ajay Mahipati Jadhav

...Applicant

Versus

State of Maharashtra

...Respondent

Ms Sheela Gupta, with Ashish Varnekar, Pawan Dhand,
Gypson John and Harshali Bhavsar, for the Applicant.
Ms Anuja Sunil Gotad, APP for the Respondent-State.

CORAM Dr. Neela Gokhale, J.

DATED: 8th October 2025

PC:-

1. The Applicant seeks his release on bail in connection with FIR No.986 of 2022 registered with the Dharavi Police Station, Brihanmumbai Shahar for the offences punishable under Sections 364-A, 384, 385, 342 read with 34 of the Indian Penal Code, 1860 ('IPC' for short).

2. There are in all 3 accused persons involved in the present case. Accused No.1 namely, Sanjana Rathod, being a

juvenile in conflict with law at the time of commission of the offence, is released by the Juvenile Court and Accused No.2 namely, Forman Himasaj Saini is also released on bail by an order dated 19th April 2025, passed by the Additional Sessions Judge, Greater Bombay.

3. The facts of the case in brief are that:

3.1 On 18th July 2022 at about 5:00 pm, 3 accused persons abducted the First Informant, Subhash Baburao Gaikwad, by picking him up from his factory premises. They took him to a room in Naigaon, where he was forcibly disrobed. Accused No.1 namely, Sanjana Rathod stood next to him and the accused clicked photographs of the First Informant with Sanjana. An amount of Rs.5 Lakhs was demanded from the First Informant. His gold bracelet and gold ring as well as further an amount of Rs.6 Lakhs were also coerced from him. An aggregate value of cash and gold ornaments taken from the First Informant is Rs.1,31,000/- in addition to the demand of extortion of a further amount. In these circumstances, the

First Informant made a complaint resulting in the registration of the present FIR.

4. The Applicant sought his release on bail by making an application before the Trial Court. However, by an order dated 10th July 2023, Ad-hoc Additional Sessions Judge, Greater Mumbai, rejected his application. In these circumstances, he is before this Court seeking the relief as prayed.

5. Ms. Sheela Gupta, at the very outset, tendered across the bar an order dated 19th April 2025 passed by the Additional Sessions Judge for Greater Bombay whereby the co-accused Forman Himasaj Saini is granted bail. The Trial Court observed that the charge is recently framed on 14th February 2025 and the trial has not yet commenced. The trial court also observed that the said Forman Saini, was in custody since 21st July 2022 and had suffered incarceration for about 3 and ½ years, till the date of that order. On this ground of long incarceration, the co-accused Forman Saini was granted

bail. She thus, prays that the Applicant be also released on bail on the principle of parity.

6. Ms. Anuja Gotad, learned APP representing the State, submits that the offence is serious and the First informant was threatened with dire consequences, if he failed to fulfil the extortion demands. Thus, she says that the offence as charged, is made out. She submits that the maximum punishment for the offence punishable under Section 364-A of the IPC is life imprisonment. Ms. Gotad also draws my attention to the statement of jeweler, who corroborated that the Applicant sold some of the jewelry to him for consideration. She also pointed to the statement of the manager of the hotel, where the First Informant was held. He also narrated that he saw these 3 persons coming with the First Informant to the said room. She also pointed to the statements of other witnesses. She thus, prays that bail application be rejected.

7. I have gone through the order dated 19th April 2025 passed by the Additional Sessions Judge for Greater Bombay,

enlarging the co-accused Forman Saini on bail. Admittedly, the role attributed to the co-accused Forman Saini is similar to that of the Applicant. The Sessions Court has enlarged the co-accused, Forman Saini on bail on the ground of long incarceration.

8. Considering the principle of parity, I am of the view that the present Applicant be also enlarged on bail and it is ordered as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant shall attend the Trial Court concerned on each and every date unless exempted by the orders of the Trial Court concerned;

iii) The Applicant shall not leave Mumbai city till the conclusion of the trial;

iv) The Applicant shall deposit his passport, if he has any, with the concerned Police Station, if any;

v) The Applicant shall not leave India, without the permission of the Trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

9. Application is allowed in the above terms and is accordingly disposed of.

10. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(Dr. Neela Gokhale, J)

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