

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

Criminal Bail Application No.3083 of 2025

1. Ravi Chotelal Kewat
Age: 25 yrs, Occ: Service,
R/at- Borkar Wasti, Malimala,
Tal. Haveli, Dist. Pune
P/a 8/k, Village Barkhedi Maharaj,
Tehasil Raghogarth, Dist. Gune,
Madhya Pradesh.

2. Rohitkumar Chhedu Lal
Age: 25 yrs, Occ : Service,
R/at – Borkar Wasti, Malimala,
Tal. Haveli, Dist. Pune,
P/a Ghasiya Pura, Poora Purab,
Sharira Koshambi, Paschim
Sharira, Utter Pradesh.

... Applicants.

Vs.

The State of Maharashtra
at the instance of Lonikalbhor
Police Station, Pune.
CR No.I-440/2024.

... Respondent.

Mr Shailesh Kharat for the applicants.
Mr PP Jadhav, APP for the respondent / State.
API KJ Babar a/wHC 8038 Nanapure, Loni Kalbhor Police
Station, Pune.

**Coram : R.N.Laddha, J.
Date : 23 December 2025.**

P.C. :

By this application, the applicants seek bail in connection with CR No.440 of 2024, registered at Lonikalbhor Police Station, Pune, for offences punishable under Sections 111, 112, 303(2), 61(2), 316(3), 287, and 288 of the Bharatiya Nyaya Sanhita, 2023; Sections 4, 5 and 6 of the Explosive Substances Act, 1908; Sections 3 and 7 of the Essential Commodities Act, 1955; and Sections 3(1)(ii), 3(2), and 3(4) of the Maharashtra Control of Organised Crime Act, 1999.

2. It is the case of the prosecution that on 10 September 2024, acting upon confidential information, a raid was conducted at a secluded shed in Kunjirwadi, where the applicants, along with the co-accused, were caught stealing diesel from HPCL and IOCL tankers. It is alleged that the accused persons employed an electric motor and network pipes to illicitly extract approximately 1620 litres of diesel, having an estimated market value of Rs.1,45,800/-, which was being transferred into plastic barrels purportedly for clandestine sale in the black market.

3. Mr Shailesh Kharat, the learned Counsel appearing on

behalf of the applicants, asserting the applicants' innocence, contends that the applicants have been falsely implicated in the crime. It is submitted that the invocation of the provisions of the MCOC Act is wholly misconceived and legally untenable. It is contended that the applicants have been erroneously portrayed as members of an alleged organised crime syndicate, which, in fact, has no existence in law or fact. The applicants, it is submitted, are merely employees under accused Nos.2 and 12, entrusted with the limited responsibilities of tending to livestock and managing a nursery situated at the premises in question. On the date of the alleged incident, the applicants were reportedly summoned to the location only to assist in certain construction related activities and had no knowledge of or participation in the purported criminal activity. It is further submitted that, save and except for the statements of co-accused persons, there exists no independent, credible, or corroborative material on record that implicates the applicants in the commission of the alleged offence. Even assuming, arguendo, the prosecution's version to be true in its entirety, the ingredients necessary to attract the penal provisions of the MCOC Act, the Explosives Substances

Act, the Essential Commodities Act, or the BNS are conspicuously absent insofar as the applicants are concerned.

4. Mr Kharat further submits that the investigation in the matter has been concluded and a charge sheet has already been filed. It is urged that no further recovery or discovery is pending at the instance of the applicants. The applicants have no criminal antecedents and have been languishing in jail since 11 September 2024. It is pointed out that there has been no progress in the trial proceedings. The applicants are ready to comply with any conditions that this Court may deem fit to impose for the grant of bail.

5. On the other hand, Mr PP Jadhav, the learned Additional Public Prosecutor representing the respondent/State, opposes the applicants' request for bail. He submits that the applicants, along with the co-accused, hatched a conspiracy to misappropriate diesel from HPCL and IOCL tankers. The diesel was stolen with the intent of unauthorised commercial exploitation. The learned APP has expressed apprehensions that, if released on bail, the applicants may tamper with evidence or influence

prosecution witnesses.

6. This Court has given anxious consideration to the rival contentions canvassed across the Bar and perused the records. The gravamen of the allegations against the applicants pertains to their alleged participation in the theft of diesel from HPCL and IOCL tankers. Upon perusal of the record, *prima facie* it appears that none of the independent witnesses have directly implicated the applicants. The prosecution appears to rely primarily on the statements of co-accused persons, which merely allude to prior acquaintance with the applicants and do not establish their membership in any organised crime syndicate or gang. It is an admitted position that the applicants are employees of the co-accused and were engaged in agricultural and livestock related duties. No independent, cogent, or incriminating material has been brought on record to substantiate the prosecution's allegations against the applicants. The applicability of the provisions of the MCOC Act, the Explosives Substances Act, and the Essential Commodities Act, in the facts and circumstances of the present case, appears *prima facie* debatable.

7. Furthermore, the applicants have no criminal antecedents. The vehicle allegedly used in the commission of the offence has already been seized, and no further recovery or discovery is pending from the applicants. Additionally, there is no material available on record that prior to this alleged incident, the applicants were engaged in similar activities. The charge sheet has already been filed, however, the trial has not yet commenced and charges remain to be framed. The applicants have been languishing in jail since 11 September 2024, and the trial is not likely to conclude in the near future. The apprehensions expressed by the prosecution regarding possible tampering with evidence or influencing witnesses can be addressed by imposing appropriate conditions.

8. In the totality of the circumstances, this Court is inclined to grant bail to the applicant. Hence, the following order:

Order

(i) The applicants shall be released on bail in CR No.440 of 2024, registered at Lonikalbhor Police Station, Pune, upon executing a PR

Bond of Rs.25,000/- each and furnishing one or more sureties in the like amount.

(ii) The applicants, themselves or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicants shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

9. The applications stand disposed of accordingly.

[R. N. Laddha, J.]