

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

Bail Application No.3450 of 2025

Bishambar Mosafir Das,

Age: 25 yrs,

R/o Ward No.5, Thana Dumara

village Aajamgadh, Lagma,

Dist. Sitamadhi, Bihar,

(Presently lodged at Yerwada

Central Prison Pune)

... Applicant.

Vs.

The State of Maharashtra

(at the instance of PI Faraskhana

Police Station, Pune.)

... Respondent.

Mr Piyush Toshnival, Advocate for the applicant.

Mr Arfan Sait, APP for the respondent / State.

PSI Arvind Shinde, Faraskhana Police Station, Pune city.

Coram : R.N.Laddha, J.

Date : 18 September 2025.

P.C. :

By this application, the applicant seeks bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CR No.171 of 2024, registered with Faraskhana Police Station, Pune, for the offences punishable under Sections 309(4), 115(2), 352, 351(2), 351(3) read with Section 3(5) of the Bharatiya Nyaya

Sanhita, 2023.

2. Mr Piyush Toshnival, the learned Counsel appearing for the applicant, has strenuously urged that the applicant is innocent and has been falsely implicated in the present offence. It is submitted that the applicant is not named in the First Information Report (FIR), which has been registered against unknown persons, and that there is no direct or circumstantial evidence linking the applicant to the commission of the alleged crime.

3. Learned Counsel further contends that the recovery of cash and a mobile handset from the applicant is wholly unconnected with the subject offence and does not establish any nexus with the alleged criminal act. It is submitted that the said recovery is not corroborated by any independent witness or forensic evidence, and therefore cannot be relied upon to justify continued incarceration.

4. It is further submitted that the investigation in the matter has been concluded and the charge sheet has already been filed before the competent court. In view thereof, the custodial interrogation of the applicant is neither warranted

nor justified, as no further investigative steps remain to be undertaken which would necessitate the applicant's continued detention.

5. Learned Counsel also submits that the applicant bears no criminal antecedents and has not been previously involved in any unlawful activity. It is argued that the applicant lacks any motive to commit the alleged offence and that his personal and professional background reflects a law-abiding disposition. Accordingly, it is prayed that the applicant be enlarged on bail, as his continued detention would serve no purpose and would amount to punitive pre-trial incarceration.

6. Mr. Arfan Sait, the learned Additional Public Prosecutor appearing on behalf of the respondent/State, vehemently opposes the present bail application. He submits that the incident in question pertains to a grave and premeditated act of criminality wherein the informant was accosted by an unidentified individual under the false pretext of assistance in booking a railway ticket. Under this guise, the said individual solicited sensitive personal information, including the informant's Aadhaar credentials

and banking particulars.

7. Upon the informant's refusal to comply, the said individual, in concert with another unknown accomplice, physically assaulted the informant and coerced him into disclosing his banking details. Thereafter, the accused persons forcibly dispossessed the informant of his Aadhaar card, ATM card, mobile phone, and a sum of Rs.20,000/- in cash. It is further submitted that subsequent to the said incident, an amount aggregating to Rs.2,63,800/- was illicitly withdrawn from the informant's bank account.

8. The learned APP further apprises the Court that during the course of investigation, a wider criminal conspiracy involving a syndicate engaged in cheating, extortion, and robbery has come to light. The said racket involves at least ten accused persons, and the investigative authorities have recovered multiple mobile handsets, ATM cards, Aadhaar cards, and banking credentials pertaining to various unsuspecting individuals.

9. In view of the foregoing, the learned APP expresses serious apprehension that enlargement of the applicant on

bail would pose a substantial risk to the fair and effective administration of justice. He therefore prays for rejection of the bail application.

10. Upon meticulous examination of the case records and the material placed on record, it emerges that there is no cogent or substantive evidence which *prima facie* implicates the present applicant in the commission of the alleged offence. The purported recovery of one mobile handset and a sum of money from the possession of the applicant does not bear any demonstrable nexus with the offence in question and appears to be unconnected with the alleged criminal act.

11. It is further noted that the applicant is a young adult aged approximately 25 years and does not have any prior criminal antecedents. The applicant has been incarcerated since 2nd September 2024 and has remained in judicial custody for a substantial period. Considering the nature of the allegations and the stage of the proceedings, it is reasonably anticipated that the trial shall entail considerable time for its culmination.

12. In light of the foregoing circumstances, and upon due consideration of the nature and quality of the evidence presently available, this Court is of the considered view that the applicant has made out a case for the grant of bail. The custodial detention of the applicant, in the absence of any compelling material, would not serve any further purpose and continued incarceration may result in undue prejudice.

13. Accordingly, the following order is passed:

ORDER

(i) The applicant shall be released on bail in connection with CR No. 171 of 2024, registered with Faraskhana Police Station, Pune City, upon furnishing a PR Bond of Rs. 25,000/- with one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence and exert influence over witnesses.

(iii) The applicant shall provide his Aadhar card, residential details, and mobile number, and change, if any, to the

concerned Police Station.

(iv) The applicant shall regularly attend and cooperate with the jurisdictional Court for the expeditious disposal of the case.

14. The application stands disposed of accordingly.

[R. N. Laddha, J.]