

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3980 OF 2025**

Roshan alias Rowdy Dilip Lokhande ...Applicant

Versus

State of Maharashtra ...Respondent

Mr Shubham Thakur, *i/b Wilson Jaiswal, for the Applicant.*

Ms Manisha R Tidke, *APP for the Respondent-State.*

Mr Sambhaji Mane, *PSI attached to Kalyan Taluka Police Station, present.*

CORAM DR. NEELA GOKHALE, J.

DATED: 16TH OCTOBER 2025

PC:-

1. The Applicant seeks his release on bail in connection with C.R.No.161 of 2025 dated 24th March 2025 registered with the Kalyan Taluka Police Station, Thane Rural, for the offences punishable under Sections 140(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 ('BNS').

2. The facts of the case, in brief, are that:-

2.1 There are in all 4 accused persons and the Applicant is accused no.3. The Complainant filed the FIR alleging that on 22nd March 2025 at about 8.45 p.m., the Applicant along with along with 2 co-accused took the Complainant to another place under the false pretext that his relative was waiting to meet him at that place. Upon reaching the said place, the Applicant along with co-accused Shubham and another person, forcibly and by giving threats took the Complainant to a flat near Katai, Dombivali, at about 10.00 p.m. The Complainant was asked for the telephone number of his relative. The Complainant gave the number of his brother, Gaurav. A ransom call was made to Gaurav by the co-accused Shubham, who is absconding. An amount of Rs.1,50,000/- was demanded from the Complainant's brother for his safe release. It is also alleged that the Applicant along with the said Shubham had beaten up the Complainant and assaulted him with a plastic stick and a belt in addition to fists, blows and kicks at intervals of 2-3 hours. Thereafter, the Complainant was asked to call his brother and demand

money, as well. At about 5.00 p.m., on the same date, accused no.2 and Shubham informed the Complainant that his brother has made a complaint to the Police Station and now, the Complainant shall suffer dire consequences. Later, at about 6.30 p.m., the police personnel circled the said premises and freed the Complainant. Thus, the complaint was made by the Complainant, pursuant to which, the FIR was registered. The Applicant was arrested on 26th May 2025 and till date, he is in custody.

3. The Applicant made an application seeking bail before the Additional Sessions Judge, Kalyan, however, by order dated 3rd October, 2025, the said bail application was rejected and hence, the Applicant is before this Court seeking the reliefs as prayed.

4. Mr. Shubham Thakur, learned counsel appearing for the Applicant, at the very outset, submits that the co-accused is granted bail and in these circumstances, on the principle of parity, the Applicant be also granted bail. He further submits

that nothing was recovered from the Applicant and the mobile phone, which was used to make the ransom call, was recovered from accused no.1. He submits that there are no eye witnesses and there is no material on record to indicate complicity of the Applicant in the commission of the said offence. He thus, prays that the Applicant be granted bail.

5. *Per contra*, Ms. Manisha Tidke, learned APP representing the State, submits at the very outset, that the Applicant has 4 antecedents pertaining to offences affecting the human body. She also points to the *Nivedan Panchanama* pertaining to the disclosure and recovery of the belt and the plastic stick with which the Complainant was assaulted. The motor-cycle on which the Complainant was abducted, was also recovered from the spot where the Complainant was detained. She thus, prays that the Application be rejected.

6. I have heard learned counsel appearing for the respective parties and perused the record with their assistance.

7. I have perused the order of bail passed by the Sessions Court granting bail to the co-accused Mahesh. It appears from the said order that there was no material against the said Mahesh to continue his incarceration. In fact, the Sessions Court in paragraph 6 of its bail order has distinguished the roles of the said Mahesh and the main accused, Shubham as well as the Applicant. I have also perused the *Nivedan Panchanama*, recording the disclosure statement of the Applicant and further recovery of belt, plastic stick as well as motor-cycle from the place where the Complainant was detained. The key to the motor-cycle is also recovered from the possession of the Applicant. A plain reading of the FIR as well as supplementary statement recorded of the Complainant also indicate complicity of the Applicant inasmuch as the Complainant was brutally thrashed with fist blows as well as a belt and a plastic stick. Admittedly, the Applicant has 4 antecedents. He is in custody since May, 2025 and as such, there is no case made out for his long incarceration. The offence is serious and the Applicant appears to be a serial

offender. It is also likely that if enlarged on bail, the Applicant may intimidate the witnesses.

8. In view of the aforesaid discussion, I am not inclined to enlarge the Applicant on bail and the Application is dismissed.

(DR. NEELA GOKHALE, J)

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signed by
SHAMBHAVI
NILESH
SHIVGAN
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