

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

Anticipatory Bail Application No.2198 of 2025

Sandeep Hasha Thakur

Age: 37 years, Occ: Business,

Residing at – House No.18, Near

Urdu School, Owe Village,

Tal. - Panvel, Dist. - Raigad

... Applicant

versus

State of Maharashtra

[Through the Panvel Taluka

Police Station]

... Respondent

Mr Omkar Jadhav, for the applicant.

Mr AS Shalgaonkar, APP, for the respondent/ State.

PSI Harshal Rajput, Panvel Taluka Police Station, is present.

Coram: R.N. Laddha, J.

Date: 7 August 2025.

P.C.:

Leave is granted to amend the application for the limited purpose of correcting the FIR number in the prayer clause as well as in the body of the application. The necessary amendment shall be carried out forthwith.

2. By this application, the applicant seeks pre-arrest bail in

connection with CR No.68 of 2025, registered at New Panvel Taluka Police Station, Navi Mumbai, for offences punishable under Sections 309(4) read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that the informant, employed as a driver with Sonai Milk Dairy, Indapur, for the past ten years, transports milk products from Indapur to Mumbai and Pune. On 26 March 2025, after unloading at Mahape MIDC, Navi Mumbai, he commenced his return journey at around 10:00 p.m. While travelling on the Mumbai-Pune Expressway, he parked his tempo (MH 42 AQ 9537) near Amity University at about 11:30 p.m. to rest. At about 3:30 a.m., he awoke and noticed two persons stealing diesel from a nearby truck (NL 01 AH 0224). Upon checking, he found the diesel tank cap of his tempo open and discovered that diesel, filled a day earlier, had been stolen. When he confronted them, a third person, armed with a knife, threatened him and ordered him to remain in his vehicle. A fourth person was observed stealing diesel from another truck (MH 12 BF 4288). The offenders thereafter fled in an old Swift Dzire (yellow plate) and a white Ertiga. The drivers of the other affected trucks, confirm that diesel had been stolen from their vehicles as well.

4. The learned Counsel appearing on behalf of the applicant

asserts the applicant's innocence and contends that the applicant has been falsely implicated in the present crime. He submits that the only material sought to be relied upon by the prosecution against the applicant is the statement of a co-accused, which, is inadmissible in evidence and cannot be used to sustain any allegation against the applicant. Save and except for such inadmissible statement, there exists no incriminating material on record establishing any nexus between the applicant and the alleged commission of the offence.

5. The learned Counsel further submits that the applicant was protected by an interim order during the pendency of the anticipatory bail application before the learned Sessions Court, and during this period, the applicant has extended full cooperation to the investigating agency. The investigation, insofar as it concerns the present offence, has already culminated in the filing of a charge sheet against the co-accused, rendering the custodial interrogation of the applicant unnecessary and unwarranted.

6. The learned APP opposed the application, submitting that the accusations levelled against the applicant are of a grave and serious nature. The applicant has a history of criminal antecedents, indicating a propensity towards unlawful activities.

The Call Detail Records (CDRs) pertaining to the applicant reveal telephonic communication between the applicant and the co-accused, *prima facie* establishing a nexus between them.

7. Upon perusing the records, it is evident that, except for the statement of the co-accused, which, being inadmissible in evidence under the settled principles of law, cannot be relied upon, there is no material on record establishing any direct nexus between the present applicant and the alleged offence. The charge sheet has already been filed against the co-accused, indicating that the investigation in respect of the alleged crime has reached its culmination. The mere existence of criminal antecedents, in the absence of cogent and substantive evidence linking the applicant to the commission of the present offence, cannot be treated as the sole ground for declining the relief of anticipatory bail. Furthermore, the allegations that the applicant and the co-accused were in telephonic contact, without any accompanying material demonstrating the nature, content, or criminal relevance of such communication, do not, by themselves, constitute a sufficient basis to deny the applicant the benefit of pre-arrest protection.

8. In light of the foregoing circumstances, this Court deems it appropriate to exercise its discretion in favour of the

applicant. Accordingly, the application is allowed and the following order is passed.

ORDER

(i) In the event of the applicant's arrest in connection with CR No.68 of 2025, registered at New Panvel Taluka Police Station, Navi Mumbai, he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

((ii) The applicant shall attend the police station on 11, 12 and 13 August 2025, between 11:00 a.m. and 2:00 p.m., and thereafter as and when called by the Investigating Officer.

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

9. The application stands disposed of accordingly.

(R.N. Laddha, J.)