

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

ANTICIPATORY BAIL APPLICATION NO.2437 OF 2025

Rahul Datta Bhosale & Ors.

... Applicants

V/s.

The State of Maharashtra

... Respondent

Mr. Aniket Ujjwal Nikam i/by Amit R. Icham for the Applicants.

Mr. P. H. Gaikwad-Patil, APP for the Respondent-State.

API Ganpat S. Sule, Crime Branch, Mumbai Railway is present.

CORAM : N.R. BORKAR, J.

DATE : 15TH SEPTEMBER 2025

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PC. :

1. This is an Application for anticipatory bail.
2. The Applicants are apprehending their arrest in Crime No. 451 of 2025 registered with Mumbai Central Police Station for the offences punishable under sections 119(1), 308(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023.
3. It is the case of the prosecution that on the date of incident, which took place on 10th August 2025, at about 10.30 p.m., the first informant along with his 8 years old daughter was about to board a train from Mumbai Central railway station to Rajasthan. The first informant was accompanied by his brother-in-law. Upon reaching Platform No.5, Applicant No.3, who is working as Head Constable with Railway Police, told the first informant to open his baggage for search. During the said search, a piece of gold wrapped in a paper, approximately weighing 14

grams and cash amounting to Rs.31,900/- were recovered. Due to the said recovery, Applicant No.3 called Applicant No.1, who is also working as Head Constable with Railway Police. It is alleged that Applicant Nos.1 and 3, while taking search of the luggage, were not wearing identity cards. It is alleged that despite giving satisfactory explanation by the first informant with regard to the recovery, Applicant No.1 took the first informant to the nearby inquiry room. At that time, Applicant No.2, who is working as Assistant Sub-Inspector with Railway Police, was already present in the said room. It is alleged that thereafter the Applicants threatened the first informant that he will be arrested and the recovered piece of gold will be produced before the Magistrate. It is alleged that the Applicants abused and assaulted the first informant as well as confiscated the recovered cash amount from him. Thereafter, Applicant No.2 asked the first informant to show his Aadhar card, while Applicant No.1 pretended to write something on a paper and coerced the first informant to sign a blank paper. Subsequently, the said piece of gold was returned to the first informant and they were asked to leave.

4. Learned Counsel for the Applicants submits that there is a delay in lodging the FIR. It is submitted that Applicant Nos. 1 and 3 were wearing identity cards. It is submitted that the first informant was taken to the room only to inquire regarding the suspicious piece of gold and cash recovered from him. It is further submitted that the Applicants are in services for more than 20 years without any stigma. It is further submitted that the custodial interrogation is not necessary and the Applicants are ready to cooperate in the investigation.

5. On the other hand, Learned APP for the Respondent-State submits that with an ulterior motive identity badges/cards were deliberately concealed. It is submitted that the search was taken in violation of standard operating procedure. It is further submitted that brother-in-law of the first informant and the daughter of the first informant are the eye witnesses to the incident. It is submitted that custodial interrogation of the Applicants is necessary to recover cash amount. Learned APP submits that considering the nature of crime, the Applicants may not be released on anticipatory bail.

6. I have examined/viewed the said CCTV footages collected during the investigation. The Applicants were wearing identity cards. According to the first informant, he was assaulted. Due to incident, his daughter was frightened. However, in the CCTV footage, *prima-facie* neither the first informant nor the daughter have any signs of the distress. There is delay in lodging the FIR. The Applicants are in service for 20 years without any stigma. Considering the overall facts and circumstances of the case, I am inclined to release the Applicants on anticipatory bail. Hence, the following order:-

ORDER

- i. The Anticipatory Bail Application is allowed.
- iii. In the event of the arrest of the Applicants in Crime No. 451 of 2025 registered with Mumbai Central Police Station for the offences punishable under sections 119(1), 308(2), 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita, 2023, they shall be released on bail on furnishing a PR Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one or two sureties in the like amount.

- vi. The Applicants shall attend the concerned police station from 17th September 2025 to 19th September 2025 between 11.00 a.m. to 2.00 p.m. and shall co-operative in the investigation.
 - vii. The Applicants shall not tamper with the prosecution evidence.
 - viii. Liberty is granted to the prosecution to file an application for cancellation of anticipatory bail in case the Applicants commit breach of any of the above conditions.
7. The Anticipatory Bail Application is disposed of in the aforesaid terms.

(N.R. BORKAR, J.)