

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

CRIMINAL BAIL APPLICATION NO. 4551 OF 2024

Tukaram Deoram Govardhane ...Applicant

Versus

The State of Maharashtra ...Respondent

**WITH
INTERIM APPLICATION NO. 817 OF 2025
IN
CRIMINAL BAIL APPLICATION NO. 4551 OF 2024**

ICICI Home Finance Company Limited ...Applicant

Versus

The State of Maharashtra ...Respondent

Mr. Kuldeep U. Nikam a/w Mr. Prasad Avhad and Mr. Samadhan Ghumare, learned Advocate for the Applicant in BA/4551/2024.

Mr. Padmakar S. Garad (Through VC), learned Advocate for the Applicant in IA/817/2025.

Ms. Madhavi H. Mhatre, learned A.P.P. for the State/Respondent.

API Mr. Hemant Todkar attached to Crime Branch Unit No. 2, Nashik is present in the Court.

CORAM : ASHWIN D. BHOBE, J.

DATE : 9th JULY 2025.

P.C. :

1. Heard Mr. Kuldeep Nikam, learned Advocate for the Applicant, Mr. Padmakar Garad, learned Advocate for the Applicant/Intervenor and Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent.

2. By the present Application filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**” for short), the Applicant is before this Court seeking regular bail in connection with Crime No. 132 of 2024 registered with Sarkarwada Police Station, Nashik City for the offences punishable under Sections 380, 457, 120(B), 201 read with 34 of the Indian Penal Code, 1860 (“**IPC**” for short).

3. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the abovesaid crime is now registered as RCC No. 797 of 2024 and is pending on the file of learned Additional Sessions Judge, Nashik.

4. Case of the prosecution is that on 4th May 2024, two unknown persons opened the window of ICICI Home Finance Company Limited, Old Gangapur Naka Branch, entered in the office, opened the lockers, wherein the gold ornaments of customers were kept and took away the said gold ornaments.

5. There are 6 accused persons in the present crime. Applicant is Accused No. 5. Applicant was arrested on 12th May 2024 and since then he is in jail. Bail Application filed by the Applicant was rejected by the learned Additional Sessions Judge, Nashik by order dated 10th October 2024.

6. Mr. Kuldeep Nikam, learned Advocate for the Applicant submits that the allegation, as made against the Applicant, is that of providing information to other accused persons pertaining to the gold being kept in the safety locker of ICICI Bank. He submits that apart from the said allegation, neither the charge-sheet nor the

material collected during the course of investigation indicate the involvement of Applicant in the said crime. He submits that all the allegations with regards to the theft of the gold ornaments are against Accused Nos. 1 to 4 and 6. Applicant does not have any criminal antecedent and he is a local resident.

7. Ms. Madhavi Mhatre, learned A.P.P. for the State/Respondent submits that the Applicant and other accused persons are involved in committing the offence of theft of gold ornaments from the ICICI Bank. She submits that the role/involvement of Applicant, who is a peon of the said bank, was to provide information to other accused persons pertaining to the details of gold ornaments and place where the said gold ornaments were kept. She submits that said information provided by the Applicant, to the co-accused has played a vital role in the crime.

8. Mr. Padmakar Garad, learned Advocate for the Intervenor submits that the Applicant being the peon, he is the main accused in the crime. He submits that the Call Details Record ("CDR" for short) of Applicant indicate that 126 calls were made between the Applicant and Accused No. 1. He submits that the Applicant is guilty in the said crime as a conspirator. He therefore submits that Bail Application of Applicant be rejected.

9. I have perused the records with the assistance of learned Advocates of the parties.

10. Perusal of the charge-sheet, more particularly page no. 29 of the paper-book reveals that the involvement of Applicant in the present crime, is of providing information to the co-accused. Apart

from the said allegation, there is no material on record to either indicate the Applicant having participated in the theft or being present at the time of occurrence of crime.

11. With regards to the CDR, as pointed out by Mr. Padmakar Garad, learned Advocate, no doubt indicate several calls exchanged between the Applicant and Accused No. 1, however the said CDR reveal that the last call was made on 11th February 2024. Present crime was committed on 4th May 2024. On a specific query to Ms. Madhavi Mhatre, learned A.P.P. and Mr. Padmakar Garad, learned Advocate, as to 'whether the investigation reveals any call being made after 11th February 2024 till 4th May 2024 ?', their response is in the 'negative'.

12. Allegations against the Applicant, *prima facie*, do not support the prosecution case against the Applicant. In such circumstances, detention of the Applicant in jail pending the trial, is not warranted. Hence, the Applicant is entitled for bail.

13. In view of the above, the present Bail Application is allowed on the following conditions :-

- a. Applicant is directed to be released on bail in connection with Crime No. 132 of 2024 registered with Sarkarwada Police Station, Nashik City for the offences punishable under Sections 380, 457, 120(B), 201 read with 34 of the IPC on executing P.R. Bond in the sum of Rs. 25,000/- (Rupees Twenty-five Thousand Only) with one or two sureties in the like amount to the satisfaction of the Additional Sessions Judge, Nashik.

- b. Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of accusation, so as to dissuade him from disclosing such facts to the Court or to any police officer.
 - c. Applicant shall not tamper with the prosecution witnesses and evidence in any manner.
 - d. Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of RCC No. 797 of 2024, pending on the file of Additional Sessions Judge, Nashik, on each and every date, unless exempted from appearance.
 - e. Applicant upon his release, within a period of three days from his release, shall furnish his cell phone number and residential address with proof to the Investigating Officer, Sarkarwada Police Station, Nashik City and shall keep the same updated, in case of any change thereto.
14. Criminal Bail Application No. 4551 of 2024 stands disposed of in the abovesaid terms.
15. In view of the above, Interim Application becomes infructuous, hence stands disposed of.

[ASHWIN D. BHOBE, J.]