IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.2352 OF 2025

Saransh Mahendra Bhavsar ….APPLICANT

VERSUS

1. The State of Maharashtra
Through Incharge of Police Station,
Parola Police Station, Parola,
Dist. Jalgaon

2. Degdu Bansi Sonawne ….RESPONDENTS

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Mr V. D. Sapkal, Senior Advocate i/b Mr S. R. Sapkal and Mr Y. A. Jadhav, Advocates for Applicant
Mr C. V. Bhadane, APP for Respondent No.1/State
Mr D. S. Manorkar, Advocate for Respondent No.2 (thr. V.C.)

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CORAM : SUSHIL M. GHODESWAR, J.

RESERVED ON : 26th OCTOBER 2026

PRONOUNCED ON : 04th NOVEMBER 2026

ORDER :

1. By this application, the applicant is praying for quashing and setting aside the Charge-Sheet No.186/2024 arising out of the FIR bearing C.R. No.0075/2024, dated 11/03/2024, registered against him with the Parola Police Station, Parola, Dist. Jalgaon for the offence punishable under Sections 436, 427, 426, 143, 147, 149, 120(B) of the Indian Penal Code and under Sections 3 and 4 of the Prevention of

Damage to Public Property Act 1984. Applicant is an accused No.6 in the said crime.

2. As per the aforesaid FIR, Agro Infrastructure Developer Private Limited is a company which is looking after the construction of four-lane road by way of contract given to them by National Highway Authority of India (NHAI). The said four-lane road is from Anjag to Tarsod, National Highway No. 53 (distance 422.700 km to 510 km). Under this project, a toll plaza was set up at Sabgavhan, Taluka Parola. The said toll was not operational, but it was projected to be started from 11/03/2024. On 10/03/2024, i,e, on previous day, certain work was going on the said toll plaza and two security guards were also appointed by the Company.

3. On the next day, i.e. on 11/03/2024, at around 6:50 a.m., the informant, who is Liaisoning Manager of the Agro Infrastructure Developer Private Limited, received a phone call from the General Manager, informing him that some unknown persons have set the toll plaza on fire. They vandalized and ransacked the premises of the toll plaza, thereby causing huge loss to their property. Therefore, informant immediately went to see the toll plaza. He also saw the CCTV footages and found that, on 11/03/2024 at around 2:53 a.m., a

four-wheeler had come from Dhule that stopped near lane No.1 of toll plaza. Four persons alighted from the said four-wheeler. Their faces were covered. They damaged the booth No.1 with wooden stick. They also threw some explosive material in the booth and set the booth on fire. Thereafter, they came at booth No.10 of toll plaza and broke the booth and also set it on fire. They also broken the windows of the main office building. Thereafter, they left the spot by the same vehicle towards Dhule. According to informant, one person was driving the vehicle and including him, total five persons must be there and around Rs.1 to 1.5 Crores worth property has been damaged. Therefore, the informant lodged the aforesaid report.

4. After registering the aforesaid FIR on 11/03/2024, statement of one Yogesh Yogendra Sing, Assistant General Manager of Skylark Infra Engineering Private Limited, came to be recorded on 13/03/2024. He was working in the said company since last four years, and at the relevant time, was posted at Sabgavhan toll naka, Parola from 11/03/2024 at 8:00 a.m. His Company had entered into contract towards the maintenance of this toll plaza. He submitted in his statement that one person, namely Saransh Bhavsar (present applicant) had contacted him on his phone and discussed about toll naka. Thereafter, on 09/03/2024, said Saransh again called him and

had informed him that he intend to submit one representation regarding toll plaza. However, said Yogesh had submitted that, since he had not taken the charge of the office post, he informed him that after taking the charge, he would receive his representation. Thereafter, said Yogesh again gave his supplementary statement on 27/03/2024 to the Police, and in that statement, he had stated that he had received the phone call from present applicant Saransh Bhavsar from his phone No. 7219565555 and the applicant had informed him to employ certain boys from Dhule city on the said toll plaza. He had asked applicant to contact his superior officers. Thereafter, on 09/03/2024, applicant along with his boys had been to Parola Police Station to give representation, and therefore, the said Yogesh Yogendra Singh was also called at police station. At that time, at police station, the said Yogesh had talked with the applicant and his boys. Said Yogesh gave a statement to the police on 27/03/2024 that, applicant the only individual, who consistently insisted him to employ the boys from Dhule city on the toll naka. Consequently, Yogesh became confident that the applicant and his associates were solely responsible for the damages caused to the Sabgavhan toll naka. On the basis of said statement, applicant came to be added in the instant crime as accused No. 6. Thereafter, applicant had approached this Court for

grant of anticipatory bail, which came to be granted in his favour vide order dated 14/01/2025 in Anticipatory Bail Application No. 609 of 2024.

5. Heard learned Senior Advocate Mr Sapkal for the applicant, learned APP Mr Bhadane for respondent No.1 and the learned Advocate Mr Manorkar for respondent No.2, who is appearing through video conferencing mode.

6. Learned Senior Advocate appearing on behalf of the applicant submits that, even if the allegations in the FIR are taken at their face value and accepted in their entirely, they do not, prima facie, disclose or constitute any offence punishable under Section 120(B). He further submits that the name of the present applicant was not earlier mentioned in First Information Report. His name came to be added in pursuance of the supplementary statement of the employees of toll plaza. The said supplementary statement came to be recorded after 14 days. Learned Senior Advocate further submitted that there is not even a remote possibility of establishing any involvement on the part of the applicant in the commission of the alleged crime. According to him, it is an admitted fact on the record that the applicant was at all not present on the spot at the time of commission of crime.

Moreover, those persons who had been to the spot, had covered their faces with masks and have at all not been identified by the police officer.

7. According to learned Senior Advocate, merely because applicant had submitted representation to the authorities that his associates or boys should be employed on the toll plaza, his name has been falsely implicated in the crime. He then submits that, the law regarding the disclosure of a name by a co-accused is well-settled. An accused cannot be convicted or detained solely on the basis of a name revealed in a statement given by a co-accused while in the custody. He, therefore, submits that the applicant is tried to be implicated by registering an offence under Section 120-B of the IPC. He further submits that the FIR as well as the charge-sheet do not disclose the allegations against the present applicant. Therefore, according to him, the ingredients of Section 120-B of the IPC are not attracted against the present applicant. He further submits that, there is also no specific overt act as alleged against applicant. Hence, learned Senior Advocate prayed for quashing and setting aside the FIR by allowing the present application.

8. Per contra, learned APP strongly opposed the instant application. He submitted that the name of applicant is surfaced when

the police arrested accused, namely, Sonu alias Pritesh Ishwar Gujar, who gave his memorandum of statement and disclosed that, initially the said accused and his friends were about to be employed by the Manager of the toll naka, however, when the said Manager refused to provide them job at the toll naka, he informed the said fact to present applicant, and therefore, present applicant asked them to destroy the toll naka. Therefore, he along with other co-accused persons went to toll naka and destroyed the cabin and also set the premises on fire by using petrol.

9. In addition to above, learned APP relies upon the CCTV footages, wherein applicant found to be approaching to the police station on 09/03/2024 along with the other accused persons, who have been arrested in the crime. Learned APP also brought to the notice of this Court the representation dated 09/03/2024, issued by present applicant to the Police Inspector, Parola Police Station, District Jalgaon, being vice-President of a political party. The said representation was submitted for providing employment to the local boys of Dhule city. Learned APP, therefore, submits that, as the accused persons, who were present on the spot were found to be seen along with applicant, the applicant is the mastermind of the crime, and as such, equally responsible for the alleged crime. Therefore,

according to him, the applicant has conspired to commit an offence, and he is liable to be prosecuted in the instant crime in view of his meetings and association with the other accused persons.

10. Apart from above, learned APP also referred to a statement of a witness Manoj Tryambak Pawar, pointing out that the funds to carry out the illegal operation was, in fact, provided by present applicant. Accordingly, learned APP strongly opposed the instant application and prayed for rejection of the instant application.

11. Learned Advocate for respondent No.2 also vehemently opposed the present application. He reiterated the submissions advanced by the learned APP and prayed for rejection of the instant application.

12. Upon hearing the learned Advocates for the respective parties, I have gone through the FIR, charge-sheet and the entire material available on record. Before proceeding further as regards ascertaining the role of present applicant in the instant crime, it will be useful to refer to the offences which are registered against the present applicant. The offences are registered under Sections 436, 426, 427, 143, 147, 149, 120-B of the Indian Penal Code and under Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984.

Admittedly, the FIR in question discloses that only four to five persons had come with their faces covered on the date and time of incident and they had ransacked the toll plaza property, and by using petrol, set the property of toll plaza on fire. Their identity has also been discovered, and admittedly, present applicant is not found to be the accused, who had come on the relevant date and time on the spot to destroy the property.

13. Perusal of the record also discloses that present applicant, being a leader of a political party, had given one representation to the authorities to employ certain persons of his district Dhule on the said toll plaza. However, the police authorities are relying upon the material suggesting that, when he had come to the police station, one or two of the accused persons were with him at the time of submitting representation and they are seen in the CCTV footages. Approaching to the authorities, being a leader or a worker of a particular party, along with others to submit a representation is one thing, however, to share a common intention and to participate into the commission of crime to execute their intention, is another aspect. Though the police authorities have tried to avail the CDR reports, however, it would be useful to ascertain whether the accused persons, at the time of

commission of crime, much before or at the relevant point of time or immediately after the crime, were in touch with present applicant or not. Therefore, a specific query was put to the learned APP as to whether, on the basis of the CDR data, it can be ascertained that the said accused persons were in touch with present applicant at the time of commission of crime. However, no such incriminating material could be pointed out to this Court, suggesting role of present applicant and his constant touch with the other accused persons at the time of the relevant crime. That being so, the essential ingredients to attract the offences of criminal conspiracy under Section 120-B, namely a prior meeting of minds and a shared intention to commit the crime are entirely missing in the instant case. The law is settled that not only the intention, but there has to be agreement to carry out the object of the intention, which is an offence. Question for consideration in this case is therefore: did all the accused share a common intention and did they agree to commit the offence? To constitute the offence of conspiracy, it is not enough that some of the accused merely entertained a wish, howsoever horrendous it may be, for the commission of an offence. The prosecution is required to produce evidence not only to show that each of the accused has a knowledge of object of conspiracy, but also of the agreement. Though the other accused were seen with present

applicant, it is not sufficient enough to prove the charge of conspiracy against the applicant.

14. Here in this case, the statement of one Manoj Tryambak Pawar is sought to be relied upon by the prosecution goes to show that, he is working as a Manager in the company, namely, Ansh Roadways Private Limited, which is being operated by present applicant. The said witness had transferred certain amount through online payment to one of the accused. He stated that, he was disbursing the salary to all the employees. One of the accused, who was working in his company, namely, Akash Gujar, had called him and asked for his salary. Upon learning that said Akash Gujar had not received the salary from last three months, he transferred Rs.25,000/- on 08/03/2024 and Rs.35,000/- on 12/03/2024, amounting to a total of Rs.60,000/- towards the payment of salary for three months. The said statement does not show that accused Akash Gujar has been specifically funded for committing the aforesaid crime. On the contrary, the statement discloses that his payment was outstanding and same came to be paid to him by said witness Manoj Pawar, being Manager of the applicant's firm.

15. In view of the aforesaid background, it cannot be said that applicant is involved in the instant crime. Applicant cannot be said to be a member of unlawful assembly, nor did he share any common object with such unlawful assembly to cause damage the toll naka property. On the basis of a statement of one of the accused, made in the supplementary statement, applicant came to be added as an accused, which is totally illegal, as the statement of co-accused against applicant is not admissible, more particularly, when there is no identification parade of the main accused.

16. In view of the aforesaid observations, I am of the opinion that the applicant has made out a case for quashing the charge-sheet and the FIR filed against him and the instant application deserves to be allowed. Hence, the following order :-

ORDER

I) The criminal application is allowed.

II) The Charge-Sheet No.186/2024 arising out of the FIR bearing C.R.No.0075/2024, dated 11/03/2024, registered with the Parola Police Station, Parola, Dist. Jalgaon for the offence punishable under Sections 436, 427, 426, 143, 147 149, 120(B)

of the Indian Penal Code and under Sections 3 and 4 of the Prevention of Damage to Public Property Act 1984, is hereby quashed and set aside to the extent of the present applicant.

[SUSHIL M. GHODESWAR, J.]

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