



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

937 BAIL APPLICATION NO. 2364 OF 2025

Krushna Santosh PathadeApplicant

VERSUS

The State of MaharashtraRespondent

Mr. R. S. Deshmukh, Senior Counsel instructed by Mr. S. V.
Deshmukh, Advocate for Applicant.
Mr. C. V. Bhdane, APP for the State.

WITH
BAIL APPLICATION NO. 1283 OF 2025

Vivek Alias Sajan Vibhuti Bhushan Applicant

VERSUS

The State of MaharashtraRespondent

Mr. A. K. Bhosle, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 24th FEBRUARY, 2026.

PER COURT :

1. Applicants in both these applications seek regular bail in connection with Crime No. 51/2025 registered with Pundlik Nagar Police Station, Dist. Chhatrapati Sambhajnagar, for the offences punishable under Sections 109, 137(2), 140(2), 318(4), 61(2), 3(5) of Bharatiya Nyaya Sanhita, Section 3/25 of Arms Act, Section 75 of

Juvenile Justice (Care and Protection of Children) Act, Section 135 of Maharashtra Police Act and Section 192(1) of Motor Vehicles Act.

2. The case of prosecution is that initially, the First Information Report was registered by the informant against unknown persons that his son aged 7 years was missing on 04.02.2025 while playing bicycle. Eventually, the investigation was carried out and the supplementary statement of the informant came to be recorded by the police.

3. It is alleged that on the date of the incident, the informant received a call demanding an amount of Rs. 2 Crores as ransom in exchange of his son, who was kidnapped. Otherwise, the child would be killed. Due to the fear, the informant could not report this fact to the police while registering the First Information Report. Hence, the supplementary statement was recorded to that effect. Accordingly, the investigation was carried out and the present Applicants came to be arraigned as accused along with other co-accused for the aforesaid offences and the arrest was effected.

4. Learned Senior Counsel for Applicant Krushna submits that the Applicant is falsely implicated in the offence. No specific role is attributed against the Applicant. Applicant being resident of village Brahmapuri has had acquaintance with the other accused and further at no point of time, the Applicant was on the scene of offence. The prosecution could not collect any direct evidence against the Applicant indicating his complicity in the offence, which entails the Applicant to be admitted to bail. Apart from the aforesaid aspects, it is further submitted that the Applicant is a student and prosecuting his studies. Hence, prayed to enlarge the Applicant on bail.

5. Learned Counsel for Applicant Vivek submits that the Applicant is falsely implicated in the offence. No specific role is alleged against the Applicant. The Applicant resident of Bihar and was employed in Mumbai and during the said period, he had acquaintance with the other accused persons. As such, except for the occasional calls, he has had no role in hatching the conspiracy. Nothing is to be recovered from the present Applicant. There are no criminal antecedents against the Applicant. Hence, prayed to enlarge the Applicant on bail.

6. Per contra, learned APP has vehemently opposed the applications submitting that both the Applicants are involved in a serious crime. It is submitted that the material collected during investigation prima facie indicates complicity of Applicant Krushna in the offence. It transpired during investigation that Applicant Krushna was in continuous contact with other accused and predominantly accused Harshal. Call Detail Reports indicates in as much as 79 calls between Applicant Krushna and accused Harshal prior to the incident in question had taken place. Apart from the aforesaid fact, it also revealed during the investigation that the meeting of accused had taken place on a tenanted premises of Applicant Krushna. Further, registration number of the vehicle usually parked adjoining to the place where Applicant Krushan resides was used in the crime. All these circumstances indicate complicity of Applicant Krushna in the crime.

7. So far as Applicant Vivek is concerned, it is submitted by learned APP that complicity of Applicant is evident from the fact that he had calls with other accused on numerous occasions before the actual incident had taken place. Apart from the aforesaid aspect, money trails on the part of the present Applicant with the other

accused in order to procure cartridges is also indicative of the fact that Applicant Vivek is involved in the crime. Considering the gravity and severity of the offence, Applicants are not entitled for enlargement on bail. An apprehension is also expressed that Applicant Vivek is resident of Bihar and as such if enlarged on bail there is every possibility that he may flee from justice. Hence, prayed to reject the application.

8. Heard submissions of both sides. Perusal of record indicates that the Applicants are arraigned as accused for hatching conspiracy with accused Harshal in order to facilitate the crime. Furthermore, Call Detail Records (CDR) indicate frequent and consistent communication of both the Applicants with other co-accused. Statement of Mahesh, owner of the room rented to Applicant Krushna, indicates that Applicant Krushna had obtained photographs of the vehicle bearing registration number usually parked adjoining to his room and eventually, the same registration number was found on the vehicle used for kidnapping. Thus, it is, prima facie, evident that there is direct nexus of Applicant Krushna in fabricating the number of the vehicle used for kidnapping. Furthermore, memorandum statement of Applicant Krushna

indicates that conspiracy of the offence was hatched in room occupied by Applicant Krushna. Perusal of record further indicates money trails between Applicant Vivek and co-accused for procurement of cartridges indicating and establishing his active participation in the offence.

9. Having regard to the aforestated chain of circumstances it is to be noted that the agreement to commit a criminal conspiracy, need not be explicit and can be prima facie inferred based on the sequence of events leading to commission of offence. Thus, the frequency in Call Details coupled with the fact that the co-accused visited the tenanted premises of Applicant Krushna so also money trails between co-accused and Applicant Vivek, prima facie indicates participation of present Applicants in the conspiracy.

10. The Hon'ble Apex Court, in case of Ishwarji Nagaji Mali vs. State of Gujarat and another, 2022(6) SCC 609, has considered the legality of the order granting bail to the accused charged under Section 302 read with Section 120B of the Indian Penal Code. It is held that the High Court had primarily relied on the accused's deep societal roots and the absence of any apprehension of his fleeing or

tampering with the evidence. Such factors were regarded as insufficient for the purpose of granting bail in a serious crime especially one involving an alleged criminal conspiracy.

11. The Hon'ble Apex court has reiterated that while considering bail application in serious offences, especially involving criminal conspiracy and premeditated murder, the Courts must examine factors beyond just the likelihood of the accused absconding.

12. Similarly, in the case of Prahlad Singh Bhati vs. NCT of Delhi (2001) 4 SCC 280, the Hon'ble Apex Court has emphasized that the jurisdiction to grant bail must be exercised judiciously and not arbitrarily, and highlighted several factors including the gravity of the offence, severity of punishment, risk of tampering with evidence and the larger public interest.

13. In the present case, considering the facts that the Applicant Vivek is resident of other state, there are consistent communication of both the Applicants with the other accused and the payment receipts prima facie sufficiently establishes their complicity in the

offence and consequently, likelihood of fleeing away cannot be ruled out.

14. Perusal of charge sheet further indicates that the accused persons kidnapped a seven-year-old minor boy for ransom of Rs. 2 Crores. The release of Applicants would pose a significant threat to the public interest. Considering the gravity of the offence and greater good of society at large, potential severity of punishment, and the risk that the accused may tamper with evidence, I am not inclined to exercise discretion in favour of the Applicants.

15. In view of the aforesaid legal precedents and the factual matrix of the case, both the bail applications stand rejected.

16. Needless to state that the observations rendered herein are confined to the extent of decision of these applications and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

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