

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

CRIMINAL BAIL APPLN. NO. 1828 OF 2025

Ankur Pratap Singh @ Vikaskumar

S/o Ramkumar

....Applicant

VERSUS

State of Maharashtra

....Respondents

Mr. Abhijeet P Rane, Advocate for Applicant

Mr. Nitin B. Patil APP for the State

CORAM : SACHIN S. DESHMUKH, J.

DATE : 9th MARCH 2026.

P.C.

1. The applicant seeks regular bail in connection with C.R. No. 424/2023 dated 04/06/2023 registered with Vishrambag Police Station, District Sangli for offences punishable under Sections 395, 120(B), 170, 171, 427, 323, 504, 506 of the Indian Penal Code and under Sections 3, 25 and 27 of The Arms Act.

2. It is the case of prosecution, the informant is employed as Sales Manager at Reliance Jewellers situated at Market Yard Sangli. On 04/06/2023 when all the staff members were working in the said shop, three persons entered in the said shop and one of them introduced himself as Dy.S.P. of Magad in Hindi and told that he was investigating the crime of theft and as per information received by him, a thief had come to the said shop to sell the stolen property. It is

further alleged that the said persons allegedly removed revolvers and asked the staff members and customers to raise hands and gather in one corner. They also took away the mobile phones from them. Thereafter, accused persons entered the shop with revolvers. They assaulted the members of staff with fist and kick blows and took out the ornaments from the drawers and lockers and collected the same in one bag. Thereafter, accused persons left the spot in four wheeler with gold ornaments. Out of 3 persons, one person went in server room and removed the hard disk and DVR and put it in the bag and kept it in server room. The scuffle took place between the newly entered two customers and one of the accused persons having revolver. He fired the bullet which hit the glass of the shop and the glass broke. Thereafter, all accused persons fled away. The incident was informed to the owner, who lodged the report about the incident to the police. The police arrived at the spot. In all ornaments of Rs. 14,00,69,300/- were stolen by the accused persons. Based on these allegations the instant FIR came to be registered against unknown accused persons.

3. Learned counsel for the applicant submits that the only allegation against the applicant is applicant had removed the hard disk and DVR from server room. The applicant is arrested on 09/09/2023. Charge-sheet is filed. No recovery at the instance of the

applicant has been effected. As such, further incarceration of the applicant would be unjustified.

4. *Per contra*, learned APP highlighted several antecedents of the similar nature against the applicant. The involvement of the applicant is evident from the statement of the witnesses recorded during the course of investigation and considering the fact that the applicant is resident of other State, he would not be available for the purpose of trial.

5. Upon considering the submissions of learned counsel for the applicant and learned APP, *prima facie* it is evident that the involvement of the applicant is apparent. Antecedents of similar nature as highlighted by the learned APP would dis-entitle the applicant to be admitted to the bail. Apart from the aforesaid aspect, the applicant is resident of other state and there is every possibility of being not available for the purpose of the trial. Recovery is yet to be effected.

6. The Hon'ble Apex Court in case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7 SCC 528]**, while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should

exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)”.*

7. The Hon’ble Apex Court in the case of **Mahipal Vs. Rajesh Kumar and Ors. (AIR 2020 SC 670)** has laid down the principle that bail can be refused when the material produced by prosecution establishes a clear prima facie face. The Court should not conduct a mini-trial; it should only examine whether the available evidence links the accused to the alleged offense.

8. Equally, the Hon'ble Apex Court in case of **State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]**, has held that the Court must evaluate the prima facie evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused. As stated earlier, the prosecution has collected overwhelming evidence against the present applicant.

9. Similarly, the Hon'ble Apex Court in case of **Pralhad Singh Bhati Vs. NCT, Delhi [(2001)4 SCC 280]**, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

10. The Hon'ble Apex Court in case of **Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010)14 SCC 496]**, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

11. In **Neeru Yadav Vs. State of UP [(2016)15 SCC 422]**, the Hon'ble Apex Court has held that the Courts must not casually ignore the criminal antecedents of the accused and must remain vigilant in heinous offences. The same principles were again re-affirmed by the Hon'ble Apex Court in case of **Anil Kumar Yadav Vs. State (NCT of Delhi) [(2018)12 SCC 129]**.

12. In that view of the matter, I am of the considered view that the discretion cannot be exercised in favour of the applicant.

13. Resultantly, Application deserves to be rejected, accordingly same is rejected.

(SACHIN S. DESHMUKH, J.)

IRESH
MASHAL

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