SANJAY ASARAM MANDAWGAD
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 2690 OF 2026

Ramesh Balu Dikole ... Applicant
V/S.
State of Maharashtra and Anr. ... Respondents

Dr. Abhinav Chandrachud a/w. Mr. Devendra Agrawal, Pavan Pandey and Kajal Mishra i/by Prem Kumar R. Pandey, for the Applicant.
Mr. Vinod Chate, APP for Respondent No.1–State.
Mr. Manish M. Bohra a/w. Mr. Vikas Beugaui for Respondent No.2.

CORAM: SHYAM C. CHANDAK, J.
DATED : 1st OCTOBER, 2026

P.C. :-

1. Heard learned Counsel for the parties.

2. Mr. Bohra, learned Counsel for the Informant/Respondent No.2, tenders his reply. It is taken on record in this matter as the connected B.A. No. 1044 of 2026 filed by Parmeshwar Chagan Gunjal (A2) has been withdrawn.

3. The applicant seeks his release on bail in connection with C.R. No. I-1476 of 2025, registered with Kalyan Railway Police Station, Kalyan, for the offence punishable under Sections 305(c), 317(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 ("BNS"), on the report dated 07.12.2025 lodged by Abhaykumar Madanlal Jain- the informant.

4. The prosecution case is that, on 06.12.2025, the informant and his daughter sold some gold jewellery to certain jewellers at Solapur. At about 22:40 hours, they boarded a train at Solapur to

come to Mumbai. They were carrying two trolley bags containing gold jewellery worth Rs.5,53,26,380/-.At 06:50 hours, when the train arrived at Kalyan, the informant found that both the bags were stolen by some unknown thief. Therefore, the aforesaid crime came to be registered.

During investigation, police collected CCTV footage from Solapur, Hadapsar and Lonavala and arrested the applicant. When the applicant was confronted with the CCTV, he identified his co-accused persons who had stollen the said bags. Said co-accused were habitual offenders on polic record. Further, the CCTV footage were shown to certain Police Patil, who identified six from the accused persons. Therefore, accused Parmeshwar Chagan Gunjal (A2) and two other accused came to be arrested. A2 had allegedly sold 250 grams of stolen gold ornaments to co-accused Sagar Bhuite and 50 grams of stolen gold ornaments co-accused Sanjay – related to wanted accused Bharat Kale. Gold weighing 250 grams was recovered from Sagar Bhuite. On completion of investigation police submitted the charge-sheet. The trial Court and the Sessions Court declined to release the applicant on bail.

5. Mr. Chate, the learned APP, on instructions from Mr. Anil Kadam, Senior PI, Kalyan Railway Police Station, stated that total 1150 grams of gold has been recovered so far. Further investigation is in progress and police will file supplementary charge-sheet against certain other accused.

6. Insofar as the applicant is concerned, both Mr. Chate, the learned APP and Mr. Bohra, the learned Advocate for the informant have submitted that immediately after the arrest of the applicant he informed that he had done recce and provided the

information about the informant to his co-accused, thus, he abetted in this crime. They submitted that the applicant had identified his co-accused when he was shown the relevant CCTV footage. Therefore, even if there is no recovery of stolen gold from the applicant, considering his role and the antecedents, he is not entitled for bail.

7. However, except the statements co-accused persons that the applicant abetted in this offence by doing recce, there is no other independent evidence against the applicant indicating that he had done the recce to facilitate the commission of this crime. Admittedly, the said CCTV footage does not show the presence of the applicant at any of the three places to which that CCTV footage is related. Similarly, no CDR of the mobile phone of the applicant is produced to indicate that, when the theft was committed, as per the mobile phone location, he was in the train or at the place where the theft occurred. Consequently, it cannot be concluded that there is a prima facie case against the applicant of having abetted in this crime as alleged.

8. In the wake of the above, I am inclined to release the applicant on bail. Hence, following Order:

i) The applicant- Ramesh Balu Dikole be released on bail in the aforesaid FIR registered with C.R. No. I-1476 of 2025, registered with Kalyan Railway Police Station, Kalyan, on his executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.

ii) The applicant shall mark his attendance at Kalyan Railway Police Station, Kalyan, on 1st and 16th day of each calendar month between 11:00 a.m. to 2:00 p.m. till conclusion of the trial.

iii) The applicant shall regularly attend the proceedings before the jurisdictional Court unless exempted by the said Court, for the reasons to be recorded in writing.

iv) The applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence the prosecution witnesses to prevent them from deposing against him.

v) On being released from jail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated in case there is any change.

vi) The applicant shall not indulge in identical activities for which he has been arraigned in this case.

vii) The applicant shall not reside in Solapur District till the conclusion of trial. However, the applicant is permitted to attend in the cases pending against him in the Court/s in Solapur District and to mark his attendance in the related police station if he has been so directed.

viii) By way of abundant caution, it is clarified that the observations made hereinabove are confined for the purpose of determination of the entitlement for bail.

The trial Court to decide the said case on its own merits uninfluenced by any of the aforesaid observations.

9. Bail Application stands disposed of in aforesaid terms.

(SHYAM C. CHANDAK, J.)