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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 3307 OF 2026

Santosh Kumar Jain ...Applicant

V/s.

State of Maharashtra ...Respondent

Ms. Ashwini Achari a/w Mr. Taraq Sayed, for the applicant.
Mr. V.A. Kulkarni, APP for the Respondent-State.
Mr. Fayyaz Mulani, API, Nagpada Police Station present.
Mr. Parab, PSI, Nagpada Police Station present.

CORAM: SHYAM C. CHANDAK, J.
DATED : 22 October, 2026

P.C. :-

1. Heard learned Counsel for the parties. Perused the record.

2. The applicant seeking his release on bail in connection with Cr. No.364 of 2025 registered with Nagpada Police Station for the offence punishable under Sections 310(2), 309(6), 3(5), 61(2) and 238 of the Bharatiya Nyaya Sanhita, 2023 on the report dated 12th June 2025 lodged by Mr. Rajan Pawaskar.

3. It is alleged that, on 12th June 2025, at about 8:45 a.m., the informant and his co-worker-nephew were carrying the gold of their shop owner to their workshop. On the way, two unknown person stopped them, assaulted and robbed the gold. Therefore, the aforesaid crime came to be registered. There are total six accused in the case. Police arrested the applicant on the premise that, at the time of the incident, the applicant was working in the said gold shop and, as revealed by co-accused Abdul Hakim Shaikh, in his statement under Section 27 of the Evidence Act, the applicant had given the information to his co-accused that the

informant and his nephew were regularly carrying the gold as above. Therefore, the accused persons hatched the conspiracy and committed the robbery. On completion of investigation, police submitted the charge-sheet. The Sessions Court refused to release the applicant on bail. Hence, this Application.

4. Mr. Kulkarni, the learned APP, on instructions from Mr.Fayyaz Mulani, API, states that, the involvement of the applicant in this crime is based on the applicant's own statement before the police and the statement of co-accused Abdul Hakim Shaikh. There is no other evidence showing that the applicant was part of the meetings of the accused persons to plan the conspiracy for robbery and execute it. There is no recovery from the applicant of the stolen gold. In fact, he is not a beneficiary of this crime in any manner. As such, there is no *prima facie* case against the applicant of having committed this offence, as alleged. The applicant has no criminal antecedents. He is not likely to abscond and tamper with the prosecution witnesses.

5. As a result, I am inclined to allow the Bail Application. Hence, following Order:-

(i) Applicant – Santosh Kumar Jain shall be released on bail in connection with said FIR bearing CR No.364 of 2025 registered with Nagpada Police Station, Mumbai on his furnishing P.R. Bond in the sum of Rs.50,000/- with one or two sureties in the like amount.

(ii) The applicant shall mark his attendance at Nagpada Police Station on 1st day of a month between 12:00 noon to 4:00 p.m., till the 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 upon the prosecution witness 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 Investigation 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) It is clarified that any observation made in the present Order are for the purpose of deciding the present Bail Application and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

6. Application stands disposed of in the aforesaid terms.

(SHYAM C. CHANDAK, J.)