

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

CRIMINAL APPLICATION NO. 1678 OF 2025

Bhakti Anil Deshpande

..Applicant

Versus

State of Maharashtra

...Respondent

Mr. Sachin Vaishampayan a/w Pallavi Sankpal, for Applicant.

Mr. A D Kamkhedkar, APP for the Respondent No. 1-State.

PSI Chhaya Nikam – Govandi P.S.

Ms. Poonam Ankleshwaria a/w Ms. Atithi Abhay, for
Respondent No. 2

CORAM : N. J. JAMADAR, J.

DATE : 26th FEBRUARY 2026

ORAL ORDER :

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 12th December, 2025, whereby the learned Sessions Judge, while releasing the applicant on pre-arrest bail has directed the applicant to produce a Rolex Wrist Watch before the Investigating Authority. The Investigating Officer has further been directed to verify it and, if found as per the invoice, liberty has been granted to the Investigating Officer to seize the same.
3. The learned Counsel for the petitioner submitted that, the petitioner is in the process of filing an application before the Administrator General, State of Maharashtra. In the list of the

assets annexed to the application (Exh. D) in Para No. 11, there is a reference to the Rolex Wrist Watch. It is stated therein that, the Rolex Wrist Watch is in the safe custody of relative of Hemant Chitre – the deceased. It is further asserted that, there were some financial transactions in relation to the said Rolex Wrist Watch.

4. The learned Counsel for the petitioner, thus, submitted that, the issue may be decided by the High Court once an appropriate application is filed.

5. In view of the pronouncement of the Supreme Court in the case of *Sushila Aggrawal Vs. State (NCT of Delhi)*¹, when a person is released on pre-arrest bail, the presence of the accused before the Investigating Officer during the course of investigation, can be deemed to be custody for the purpose of Section 27 of the Evidence Act, 1872.

6. In the case at hand, incontrovertibly, the Rolex Wrist Watch is in the custody of the applicant. The direction to produce the Rolex Wrist Watch before the Investigating Officer, appears to be in consonance with the aforesaid enunciation of law. Even if the applicant produces the Rolex Wrist Watch before the Investigating Officer and it is seized by the Investigating

¹ AIR 2020 SC 831

Officer, the applicant would not be remediless. The applicant can very well apply before the learned Magistrate for the return of the property during the pendency of the Trial.

7. Keeping open the option to file an application for return of the property, the application stands disposed.

[N. J. JAMADAR, J.]