

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1799 OF 2025

IN

CRIMINAL BAIL APPLICATION NO. 683 OF 2019

Deepak Pancham Kesari

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Vinod Kashid a/w Sumit Bhoite for the Applicant.

Ms.S.D. Shinde, APP for the Respondent-State.

Lokhande, API, Kalwa Police Station

CORAM: R. M. JOSHI, J.

DATED: 08th APRIL, 2026

PC:-

1. Applicant seeks bail in connection with CR No. 44 of 2023 registered with Kalwa Police Station for the offences punishable under Sections 384, 341, 342 34 of IPC and Sections 3(1)(ii), 3(2), 3(4) of the MCOC Act.

2. The first informant reported incident occurred on 03.01.2023 and the First Information Report was lodged on 20.01.2023. It is his contention that while he was proceeding from

Rabodi his vehicle was intercepted by three persons. There three persons came in a car, which was occupied by two more persons. The allegation is that these persons posed themselves to be personnel and and compelled him to pay Rs. 15,000/- to them. This amount of Rs. 15,000/- was asked to be transferred into the account of Pravin Shetty. On the basis of this report, offence came to be registered and has now been chargesheet filed.

3. Learned counsel for the applicant submits that the case of the prosecution is doubtful. In view of the fact that another offence was registered against the applicant in different police station with regard to the incident allegedly occurred at the same time in the present case. It is his further submission that there is statement of the informant indicating the involvement of the present applicant as well as co-accused - Anthony Raj. He submits that the said Anthony Raj met with an accident and was under treatment and in this regard CCTV footage was submitted to the concerned police Station on 05.04.2023. He further argued that it is only thereafter, informant changed his version with regard to the incident and stated that Anthony Raj was not present at the spot. This according to him, creates doubt about prosecution of the case.

4. Learned APP opposed the application pointing out criminal history of the applicant. In so far as the present case is concerned, it is argued that other offence registered with Rabodi Police Station pertains to the occurrence of the incident in the same area. It is further argued that, it is not impossible that these two offences could be committed on the same day. As far as the involvement of Anthony Raj is concerned, reference is made to the supplementary statement of the informant, which according to her indicates that on the basis of photographs of the accused persons appeared in the newspaper, he thought that the present person at the spot included Anthony. She further argued that identification of the applicant has been done in the identification parade.

5. Now the investigation is concluded with filing of the chargesheet, the question arises as to whether there is substance in the applicant's contention that doubt has been created regarding informant's version about the occurrence of incident as he claimed. First of all, First Information Report came to be lodged on 20.01.2023 in respect of incident occurred on 03.01.2023. It is specifically stated while lodging report that along with the applicant and co-accused Anthony Raj was also present at the spot.

He maintained the said statement till it was relaised that Anthony Raj was not present at the spot and his presence is established at the different place on the basis of CCTV footage. Pertinently the said retraction came only after said co-accused satisfied the police about his presence at relevant time some where else. Thus, the subsequent statement of withdrawal of his participations becomes irrelevant. Suffice to say that doubt is created with regard to the presence of one of the person who was alleged to have been present at the spot. After conclusion of the investigation and filing of the chargesheet applicant cannot be kept behind bar. by way of pre-trial sentence, more particularly in view of such material inconsistency in the statement of informant.

6. In so far as the general history against the applicant is concerned, appropriate conditions could be imposed.

7. Hence, following order:

ORDER

i) Criminal Bail Application No. 1799 of 2025 stands allowed, in connection with CR. No. 44 of 2023, the applicant be enlarged on bail on furnishing PR Bond of Rs. 30,000/- with one surety in the like amount.

- ii) The applicant shall attend concerned police Station between 11:00 am to 3:00 p.m. on First Monday of each month for a period of six months.
- iii) The Applicant shall attend every date of hearing before the Trial Court, unless exempted by specific order of the Trial Court.
- iv) The observations made in this order are *prima-facie* in nature and will not bind parties or Trial Court during trial.
- v) In view of the above, the Bail Application stands disposed of.

(R. M. JOSHI, J.)