

Navnath Waghmare (RA)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3789 OF 2025

Bhim Prasadsingh Badela	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Vipul Dushing a/w Sangram Jadhav, Ms. Krishma Joshi for the Applicant.

Mr. Shailesh S. Ghag APP for the Respondent-State
Mr. Vijay Patil, PSI , Police Station Byculla,

CORAM: R. M. JOSHI, J.

DATED: 04th MARCH, 2026

PC:-

1. The Applicant seeks bail in connection with CR No. 12 of 2025 for the offences under Sections 178, 179, 180, 181, 182 r/w Section 3(5) of BNS 2023, and having arrested by Byculla Police Station on 09th January, 2025.

2. Learned counsel for the applicant submits that there is serious doubt created with regard to story of the prosecution about the seizure of counterfeit currency notes from the applicant. It is his submission that from the chargesheet it can be seen the applicant was taken in custody on 07.01.2025 whereas the seizure is shown on 09.01.2025. Further, arrest of the applicant is done on

11.01.2025. It is his further submission that provision Section 105 of BNSS,2023 mandate the video recording of the seizure. It is his submission that except for this panchanama rest of the investigation is videographed. According to him, this creates serious doubt, about the genuineness case of the prosecution. He further submits applicant has no criminal history and he is not likely to flee from justice. It is further argued that after conclusion of investigation of filing of chargesheet further custody of the applicant is not necessary.

3. Learned APP opposed contention that there is panchanama seizure of the counterfeit notes at the instance from the present applicant on 09.01.2025 and which is sufficient evidence to accept his involvement in crime.

4. *Prima-facie* perusal of the chargesheet indicates that on 07.01.2025 the applicant was taken in custody. The seizure of counterfeit notes is done on 09.01.2025 but there is no videography of the panchnama of seizure of notes from the applicant. There is no explanation forthcoming for not videographing the search & seizure panchanama. Applicant has no criminal history behind him. Admittedly with filing of the chargesheet there would be no reason to keep him in custody. Imposition of the appropriate conditions would ensure that his presence before the Trial Court during the trial.

5. Hence, following order.

ORDER

- i) The application stands allowed.
- ii) In connection CR. No. 12 of 2025 registered with Byculla Police Station, Applicant be enlarged on bail on furnishing PR Bond of Rs. 30,000/- with one surety in the like amount to the satisfaction of Trial court
- iii) Applicant to attain all dates of hearing before the Trial Court unless exempted by Trial Court by passing specific order.
- iv) Any breach of the conditions will result the vacation of this order and the Applicant shall be taken custody for undergoing trial

(R. M. JOSHI, J.)