

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3987 OF 2025

Nareshbhai Parshubhai Mohaniya
@ Naresh Parsubhai Mohnia ...Applicant
Versus
The Union Territory Of Daman And Diu ...Respondent

Mr. Jay Ambani a/w Avani Gopal Joshi, for the Applicant.
Mr. Archishmati Chandramore h/f Ashwin Thool, for the
Respondent- UT of Daman & Diu.
Mr. Arfan Sait, APP for the Respondent - State.

CORAM: R. M. JOSHI, J.
DATED: 08th MAY, 2026.

PC:-

1. The Applicant seeks his release on connection with CR No.7 of 2025 registered with Coastal Police Station, Moti, Daman, for offence punishable under Sections 305(a) and 331(4) of the Bharatiya Nyaya Sanhita, 2023.

2. In short, it is the case of the prosecution that on 28th August, 2023 the Informant along with her entire family planned to travel to Prayagraj from Mumbai by flight. In the morning it was informed by her brother-in-law that a burglary had taken place at her home. Upon arrival, she found that the latch of the main door was broke open. She found that theft have been committed of gold ornaments. On the basis of which the offence came to be registered. On conclusion of investigation, the charge-sheet has been filed.

3. Learned counsel for the Applicant submits that five co-accused who are enlarged on bail and as such on parity Applicant deserves bail. It is his submission that the Applicant was arrested on 20th March, 2025 and since then he is in jail without trial. According to him, the co-accused i.e. Accused No.5, from whom, a substantial gold ornaments were recovered is also enlarged on bail.

4. Learned APP opposed the application by pointing out that there is evidence in the form of fingerprints of the Applicant being found at the spot. It is further contended that there are as many as 33 antecedents against the Applicant of committing similar offence. It is thus claimed that this is not a fit case of planting of evidence against the Applicant in the form of fingerprints being found on an immovable property, it is not open for the Court to consider the same as the evidence. At this stage, the evidence on record is required to be considered as it is.

5. As far as co-accused are concerned, no such concrete evidence has been collected during the course of investigation against the Applicant. Insofar as the Accused No.5 is concerned, however, there is recovery of gold ornaments from him, he could be said to be receiver of the gold ornaments. In absence of any direct evidence indicating involvement in the act of burglary.

6. In view of these facts, this Court does not ignore 33 the antecedents against the Applicant of similar nature of crime. Having regard to these facts, only on the ground that the Applicant is in jail for over a period of a year, he is not entitled for bail on the ground of long incarceration.

7. Hence, Bail Application stands dismissed.

(R. M. JOSHI, J.)