

Shivgan

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.4886 OF 2025

Arya Pratap Naag @ Deepak Pratap Dhru ...Applicant
Versus
State of Maharashtra ...Respondents

Ms. Gokhale Gayatri Nitin, with Aakash Desai, for the Applicant.
Mr. A. S. Gawai, APP for the Respondent-State.
Mr. Ajay Powar, PSI attached to Bandra Police Station, present.

CORAM: R. M. JOSHI, J.
DATED: 27th MARCH, 2026.

PC:-

1. The Applicant seeks bail in connection with Crime No.398 of 2025 registered with Bandra Police Station, Brihanmumbai Shahar for the offences punishable under Sections 331(3), 331(4) and 305(a) of the Bharatiya Nyaya Sanhita ('BNS'), 2023.
2. Learned counsel for the Applicant submits that except for the alleged recovery of jewelry at the instance of the present Applicant, there is absolutely no evidence on record against him. It is further submitted that there is no identification of the said ornaments being done from the Informant in order to connect the said recovery to the incident of theft. It is submitted that after filing of the charge-sheet, further custody of the Applicant is not necessary.

3. The learned APP opposes the Application on the ground that there is a recovery of ornaments worth Rs.1.37 Crores. It is also claimed that Applicant has 20 criminal cases against him.

4. Now, before this Court, the prosecution is opposing the Application for bail on the ground of antecedents against the Applicant. However, during the course of the investigation, there was no intent seen on behalf of Investigating Agency to collect evidence in order to nail the Applicant. This observation is inevitable in view of the admitted fact that the alleged recovery of ornaments from the present Applicant has not been verified from the Informant as the stolen articles. This shows that *prima facie* there is no evidence to connect the Applicant with the crime in question.

5. Applicant is arrested on 19th March 2025. The trial has not commenced and not likely to conclude in reasonable time. Applicant cannot be kept behind bars by way of pretrial sentence. In such circumstances, merely because, there are antecedents against the Applicant, he cannot be denied bail. Hence, the following order is passed:-

ORDER

(i) The Bail Application stands allowed in connection with C. R. No. 398 of 2025 registered with Bandra Police Station, Brihanmumbai Shahar;

(ii) The Applicant be released on bail on furnishing P. R. Bond of Rs.30,000/- with one or two sureties in the like amount to the satisfaction of the Trial Court;

(iii) The Applicant to attend the concerned Police Station once in a month till framing of charge;

7. The Bail Application stands disposed of.

(R. M. JOSHI, J.)

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