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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO. 297 OF 2026

Mahesh Mohan Oswal ... Applicant

Versus.

The State of Maharashtra & Anr. ... Respondents

Mr. Nitin Gaware Patil a/w Mr. Harsh Rathod, Advocates for Applicant.

Mr. Sukanta Karmakar, APP for the Respondent No. 1 – State.

Mr. Amol Valasang – API, Khadak Police Station, Pune.

CORAM : ASHWIN D. BHOBE, J.

DATE : 15th JUNE, 2026

P.C. :

1. Heard Mr. Nitin Gaware Patil, learned Advocate for the Applicant and Mr. Sukanta Karmakar, learned APP for Respondent No. 1 – State.

2. By the present Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”), the Applicant seeks bail in Crime No. 364 of 2025 registered at Khadak Police Station, Pune, for offences punishable under Sections

318(4), 316(2), 316(4), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. There are four Accused in the said crime. Applicant is Accused No. 1.

4. Mr. Sukanta Karmakar, learned APP for Respondent No. 1 – State, states that Crime No. 364 of 2025 has now been registered as R.C.C. No. 4880 of 2025 and is pending before the Court of the 14th - 12th, Judicial Magistrate First Class, Pune.

5. The prosecution case is that the Applicant, while working as a delivery agent and helper with the Complainant, conspired with his wife (Dipti Mahesh Oswal) and his brother (Lalit Mohan Oswal) to misappropriate the funds and gold ornaments of the Complainant.

6. Applicant was arrested on 15.01.2025 and remains in custody. Bail Application No. 6873 of 2025, filed by the Applicant, was dismissed by the Additional Sessions Judge, Pune, by order dated 18.11.2025.

7. Mr. Nitin Gaware Patil, learned Advocate for the Applicant, submits that the allegations made against the Applicant are highly improbable and exaggerated. He submits that Dipti Mahesh Oswal (Accused No. 2) and Lalit Mohan Oswal (Accused No. 3), who are alleged to have hatched the conspiracy to cheat the Complainant, have been granted Anticipatory bail by the Court of the Additional Sessions Judge, Pune. He submits that the Applicant has no criminal antecedents.

8. Mr. Sukanta Karmakar, learned APP for Respondent No. 1 – State, submits that an amount of Rs. 17 lakhs has been recovered at the instance of the Applicant and no further recovery is to be made from the Applicant.

9. Perused the records with the assistance of the learned Advocates.

10. The offences charged against the Applicant are triable by the Court of a Magistrate. The Applicant has been in jail for almost 16 months in connection with the present crime. Accused Nos. 2 and 3, who are alleged to have conspired with the

Applicant, have been granted pre-arrest Bail by the Sessions Court, Pune.

11. Mr. Nitin Gaware Patil submits that the charge has not been framed in R.C.C. No. 4880 of 2025 as of date. There are 13 prosecution witnesses in the aforesaid crime thus, the trial would not be complete soon.

12. Considering the material on record and the aforesaid facts, continuation of the Applicant in jail pending the trial of R.C.C. No. 4880 of 2025 is not warranted.

13. In view of the above, the present Bail Application is allowed, on the following conditions:-

(a) The Applicant is directed to be released on bail in FIR No. 364 of 2025, dated 14.07.2025, registered with Khadak Police Station, Pune, on furnishing a PR bond in the sum of Rs. 50,000/- (Rupees Twenty-Five Thousand only) with one or two sureties in the like amount, to the satisfaction of the 14th - 12th, Judicial Magistrate First Class, Pune.

(b) Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person

acquainted with the facts of the case to dissuade such person from disclosing the facts to the Court or any police officer.

(c) Applicant shall not tamper with any evidence.

(d) The Applicant shall provide the Investigating Officer with his residential address and proof thereof, his contact number and must inform the Investigating Officer of any changes to this information from time to time.

(e) Applicant shall cooperate with the trial and appear on each date of hearing in R.C.C. No. 4880 of 2025 before the 14th - 12th, Judicial Magistrate First Class, Pune unless specifically exempted.

13. Criminal Bail Application No. 297 of 2026 is disposed of.

(ASHWIN D. BHOBE, J.)