

Prasad

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.1126 OF 2026

Roy @ Roni Joseq Farnandis	...Applicant
<i>Versus</i>	
State of Maharashtra	...Respondents

Mr. Milan Desai a/w Nibha Jha i/by Mr. Khalid N.A. Gujar, for the Applicant.

Mr. Mayur S. Sonavane, APP for the Respondent-State.

CORAM: R. M. JOSHI, J.
DATED: 30th APRIL, 2026.

PC:-

1. The Applicant seeks his release on bail in connection with CR No.115 of 2025 dated 15th April, 2025, registered with Palghar Police Station, for offence punishable under Sections 309(6), 305, 331(4), 331(7), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. In short the case of the prosecution is that on 14th April, 2025, an incident occurred of house breaking. According to the Informant, he along with his wife went out and when they came back, wife noticed that the house is broke open. When she entered the house, she found two persons. They fled from the house. The present Applicant is said to have been accosted by the Informant on the staircase. The co-accused after allegedly assaulting the wife of the Informant fled away. During the course

of the investigation, panchanama was prepared statements of witnesses were recorded. On conclusion of investigation, charge-sheet is filed.

3. Learned counsel for the Applicant sought to convince this Court on the basis of alleged inconsistencies in the statements of Informant and wife of the Informant with regard to as to who entered the house and who was followed. According to him, the said inconsistencies goes to the root of the case and creates doubt about the case of the prosecution. It is further argued that there is no evidence in order to indicate that the present Applicant was found committing any crime or any ornaments are seized at his instance. This is submitted for the reason that there is no seizure of the ornaments during the course of the investigation. Inconsistency is also pointed out in the statements of witnesses with regard to the co-accused having run away from the spot with any bag. Finally it is argued that the Applicant is in jail for over a period of a year and conclusion of investigation and filing of the charge-sheet his custody is not required.

4. Learned APP opposed the application by pointing out the statements of witnesses recorded during the course of investigation. He drew attention of the Court to the fact that there are antecedents against the Applicant and similar crimes are committed by him in the past.

5. It is not expected from this Court to hair-split the evidence of the prosecution at this stage. *Prima facie* perusal fo the statements of witnesses indicate that the present Applicant came along with the co-accused to the spot in an auto-rickshaw. The

house of the Informant was broke open. The Applicant was apprehended on the staircase by the Informant. His statement is consistent with the statement of witness who has seen two person coming in an auto-rickshaw and present Applicant having caught at the spot. There is thus evidence to show involvement of the Applicant in this crime. The offence does not restrict to the theft. *Prima facie* this case a case of house breaking and for the charged against the Applicant the maximum sentence is 10 years. The Applicant has criminal history behind him. This this Court finds substance in the contention of learned APP that the Applicant, if enlarged on bail, he is likely to commit similar offence. In any case, at this, stage, this Court is not inclined to grant any relief to the Applicant.

6. In view of the aforesaid, Bail Application stands dismissed.

7. Learned Trial Court however is requested to expedite the trial. In case trial is not concluded within a period of one year, the Applicant will be at liberty to move a fresh bail application.

8. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Trial Judge to decide the case on its own merits, uninfluenced by the observations made herein.

(R. M. JOSHI, J.)