2026:BHC-NAG:6291

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (ABA) NO.954 OF 2025

Rameshwar Ramesh Petle
Vs.
State of Maharashtra, through Police Station Officer, Gadgenagar, Amravati City, District Amravati.

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for applicant.
Shri N.R. Rode, APP for non-applicant/State.

CORAM : RAJNISH R. VYAS, J.
DATE : 20.04.2026.

1. Apprehending arrest in connection with Crime No.961/2025 registered with Police Station, Gadgenagar, Amravati for the offences punishable under Sections 303(2), 61(2), 318(4) and 309(4) of the Bharatiya Nyaya Sanhita, 2023 (for short, "**BNS**"), the applicant/accused no.1 has approached this Court.

2. Heard the learned respective counsels for the parties.

3. The learned counsel for the applicant has argued as under:

(i) All the offenses are punishable upto 7 years and therefore, mandate of Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita (for short, "BNSS") is required to be honoured.

(ii) The story narrated in the First Information Report is unbelievable and would not appeal to the man of ordinary prudence.

(iii) Last incident had taken place on 21.06.2025 and the First Information Report was lodged on 11.11.2025.

(iv) The conduct of informant is blameworthy and cannot be believed as a man once cheated would not believe the accused on subsequent occasion.

(v) Custodial interrogation of the applicant is not required.

(vi) No attempt has been made to collect the details of the taxi and taxi driver who ran away with the amount.

(vii) This Court has granted an interim anticipatory bail on 18.12.2025 with a direction to attend the police station on Monday and Saturday, which the applicant has attended.

4. Per contra, the learned APP has argued as under :

(i) The applicant was involved in similar type of offence and the First Information Report bearing Crime No.18/2020 was registered with Police Station Nagpuri Gate, Amravati, against the applicant for commission of offence punishable under Sections 419, 420, 468 read with Section 34 of the

Indian Penal Code (for short, "**IPC**").

(ii) The offences are not punishable upto 7 years only and the offence under Section 309 (4) is punishable with imprisonment for 10 years.

(ii) The conspiracy was systematically hatched by the accused persons.

(iii) Custodial interrogation of the present applicant is required.

(iv) In the affidavit it is categorically stated that after collection of CDR and SDR details, it was found that the applicant was having mobile number from which he had contacted with the alleged custom officer. The applicant had made 14 calls on 25.04.2025 and on 21.06.2025 to the said custom officer.

(v) A video clip shows that the applicant was counting currency note and the photo which was taken at the Oberoi Hotel and the Apex Hotel at Mumbai.

(vi) On the basis of mobile number given by the informant, the other accused was identified as Deva Hivrale, against whom a Crime No.537/2023 for the offence punishable under Section 420 read with 34 IPC is registered with Nagpur Railway Police Station, District Akola. He thus requested to reject the application as the detailed investigation is required.

5. With the assistance of the respective counsels, I have gone through the record of the case.

6. This Court on 18.12.2025 granted an interim anticipatory bail to the applicant and made it returnable on 08.01.2026. On 08.01.2026, 14.01.2026, 28.01.2026, 11.02.2026, 23.02.2026, 06.03.2026, 13.03.2026, 26.03.2026, at the request of the learned counsel for the applicant, matter was adjourned. On 02.04.2026, at the request of learned counsel for the applicant, the matter was adjourned by way of last chance. On 06.04.2026, again on the request of learned counsel for applicant, the matter was adjourned. On 18.04.2026, the learned counsel for the applicant was present and matter was fixed on 20.04.2026.

7. The First Information Report, though is lengthy one, gives very specific detail.

8. The informant is one Shubham Anilrao Sonone, who has stated that he used to run a mobile shop in which one Mahendra Shukla was also employed for doing online job. The applicant/accused was known to said Mahendra Shukla who had come to the informant's shop. The applicant told the informant that he knows some persons from the Custom Department and he had purchased the gold ornaments from

Custom Department at low price. He then proposed to the informant that if the informant desires, he can come with the applicant to Mumbai and organize meeting with the officers, with whom the transaction can be finalized.

9. The informant then told the aforesaid fact to his friend Rajendra Ahuja.

10. On 17.04.2025, alongwith the applicant, the informant and said Rajendra Ahuja proceeded to Mumbai to meet the officer.

11. On 18.04.2025, all these three persons stayed at Hotel Apex, Mumbai. The applicant then called the concerned officer telephonically who showed his inability to meet.

12. On 19.04.2025, the applicant again contacted said officer telephonically, who asked them to meet at Nashik. Thereafter, all three persons proceeded to Nashik, and at about 5:00 pm the applicant again telephoned the officer, who asked them to come to Hotel RadissonBlu.

13. On 19.04.2025, at about 7:00 to 7:15 pm, the informant, Rajendra Ahuja and the applicant went to Hotel RadissonBlu and met the said officer. The informant, was then asked to wait outside so that the sample of gold ornaments would be shown to them. At about 8.30, in Ford

Endeavour car bearing registration No.TS13EA8888, two officers came and took them in a vehicle at some distance and showed the sample gold ornaments.

14. The informant was then asked as to when the transaction could be finalized. Thereafter, the applicant provided information about the officers and told that since last 1 ½ year, he knows the officer and has no difficulty if the transaction is finalized. The applicant also told that if there is a shortfall of amount, he can contribute amount of ₹5 lakhs and the further transaction can be done. Then they reached to the Amravati, where the applicant made several telephonic calls to the informant and had assured that there is no difficulty in finalizing the aforesaid transaction. The informant thereafter arranged amount of ₹35 lakhs and informed the applicant. The applicant asked the informant to meet him at Amravati and called the concerned officer. The date of transaction was fixed as 24.04.2025.

15. On 23.04.2025, the informant alongwith Rajendra Ahuja and the applicant went to Mumbai and stayed at Apex Hotel. At that place, the applicant took photograph with the amount taken by the informant and Rajendra Ahuja and called the officers to fix the time and place for transaction. It was replied that after meeting, everything would be finalized. Thereafter, at 05:00 pm the applicant took the informant and Rajendra Ahuja to Hotel Oberoi and arranged meeting with the officer. The date of the transaction was fixed and it was also stated that necessary receipts would also be given.

16. On 24.04.2025, the transaction was to be held but since the applicant was not present, it could not be finalized.

17. On 25.04.2025, at noon, the applicant received a telephonic call from the officer and asked to meet in the premises of Hiranandani Hospital. At that time, the present applicant called a white colour taxi which was at some distance. The vehicle was Hyundai Xcent. When the informant asked the applicant to hire some other taxi, he refused. In that taxi, they proceeded towards the Hiranandani Hospital and were dropped there. The applicant insisted that services of the same taxi be continued.

18. The informant, Rajendra Ahuja and the applicant then met the officers who showed them the samples of gold, but the informant was not satisfied and therefore returned. At that time, the bag containing the amount was given to the applicant who kept it in the dickey of the car. The informant and Rajendra Ahuja asked the applicant to keep the bag with them but he insisted to leave the place urgently and told that after reaching some distance, the bag would be taken. The applicant then asked to take a route from Pawai to Kalyan. Though many times the informant and Rajendra Ahuja requested the taxi driver to allow them to take the bag with them but the taxi driver advanced a reason due to traffic the vehicle could not be stopped. The excuse given by the taxi driver was supported by the applicant. It was alleged in the First Information Report that at Kalyan bypass, the applicant directed to stop the taxi at an open place and by taking his own bag alighted from the vehicle and stopped for answering nature's call.

19. At that time, the informant and one Rajendra Ahuja were in the car. The applicant alighted from the car and tried to open the dickey. But the driver told him that the dickey of the vehicle could not be opened. Still, the dickey was tried to be opened. At that time, the taxi driver asked Rajendra Ahuja to open the dickey by alighting from the taxi. Moment Rajendra Ahuja alighted from the vehicle, the taxi driver drove the vehicle in high speed and went away. The door of the vehicle was opened and Rajendra Ahuja fell down and sustained minor injuries. His mobile phone was also broken. As the vehicle was in high speed, its registration number could not be noted. The said taxi was then chased by Rajendra Ahuja by taking help of one scooter rider. At that time, the applicant returned and enquired to which the informant told that the taxi driver has fled away with luggage and the amount.

20. After some time, one Rajendra Ahuja had asked the informant and the applicant to come near Kalyan Bypass where they went. There, the informant and Rajendra Ahuja decided to lodge a complaint but the applicant said that they should not lodge a complaint and he would ask the concerned officer to help the informant. He further stated that in case the complaint is lodged with the police station, there would not be any assurance of the return of the amount. The applicant then called the officer who assured to meet them. Near Kalyan Bypass, they stayed but the officer did not come. Thereafter, the applicant asked the informant to go to Nashik and told him that he would meet them. The informant and Rajendra Ahuja then proceeded towards Nashik and reached there at 02:30 in night, at that time the applicant was with them.

21. The informant and Rajendra Ahuja were telephonically requested to meet. It was further alleged in the First Information Report that thereafter the officer called them at a hotel in Nashik where the entire incident was narrated to them. The officer then assured that they would look into the matter and went away. The informant then received a WhatsApp message asking them to meet on Tuesday. The applicant was insisting that the informant and said Rajendra Ahuja should return to Amravati and assured that the officer would certainly help them. The informant and Rajendra Ahuja then returned to Amravati and the applicant went to Gujarat. The informant suspected foul-play.

22. According to the First Information Report, the informant and said Rajendra Ahuja when met the applicant- Rameshwar Patle, he assured that the officer would certainly help. The informant then repeatedly contacted the officer but no response was given. After few days, message was received from the officer that presently he was at Delhi and assured that upon coming to Mumbai the work of the informant would be done. As, for few days, no message was received, the informant again contacted applicant who again gave assurance that the officer would do the work. After 5-6 days, the informant then told the applicant that they would go to Mumbai and lodge a First Information Report. At which time, immediately they received a call from the officer who assured that after returning to Mumbai, he would do the work of the informant as the matter is very trifle for him. It is due to this assurance, the informant did not lodge a report. As there were no calls/messages, the informant used to contact applicant- Rameshwar Patle who assured the same thing.

23. On 20.05.2025, the informant received a message that they should come to Delhi. When the informant met the applicant, he refused to accompany them. On 27.05.2025, the message was received by the informant from the officer who asked to meet him at Delhi. At that time, the informant met the applicant and all of them went to Delhi on 01.06.2025. On 03.06.2025, the officer contacted the informant and asked him to come to Daulo Kuwa at which place the officer met, whom the earlier incident was narrated. The officer then asked them to stay at the hotel. On the next day also, neither anybody came nor contacted the informant. Even the present applicant had gone somewhere for few hours.

24. On 04.06.2025, again a telephonic call was received. An informant was told that the superior officer had refused to provide any help to them. It was then suggested that again some deal should be made in which they would cover the loss earlier incurred. It was further stated that some advance payment can be made and for which the gold would be given to the informant. The remaining amount can be given thereafter. The informant and said Rajendra Ahuja then disclosed to them that they were not having any amount. But the officer asked them to think over. While returning to the Amravati, the applicant had quarreled with the informant and told him that he would not continue with the deal and also threatened him. After few days, again the applicant contacted them telephonically and asked about the transaction at which time the informant and said Rajendra Ahuja told that they could arrange ₹7,50,000/- on which the applicant asked him to arrange amount of ₹10,00,000/-. The applicant further told that he would also contribute amount of ₹5,00,000/- and told that even transaction is important for him as he wanted to cover the loss earlier incurred.

25. The informant and said Rajendra Ahuja then arranged the amount and told the applicant. The applicant then replied that within two days they would leave for Delhi. The applicant due to some reasons could not come to Delhi but asked the informant and Rajendra Ahuja to go to Delhi. The applicant also stated that the informant need not be afraid as those persons are trustworthy. It was also told by the applicant that the informant would not incur any loss.

26. It was alleged in the First Information Report that thereafter informant and Rajendra went to Delhi on 21.06.2025 alongwith amount of ₹17,50,000/-. The informant then stayed at Delhi and when contacted the officer, he told that the transaction would be done on the next day. On the next day, the informant was asked about the amount brought and it was told that the informant had brought amount of ₹17,50,000/- and the remaining ₹5,00,000/- would be paid by the cheque. The informant then was asked to come near Jama Masjid for doing the transaction, where they went. The informant was asked to come near gate No.2 and when they reached there, one of the officers met them. The other officer was standing there alongwith a bag. As soon as the informant and Rajendra reached, the person holding the bag, came held the knife to his back and asked to hand over the bag which was in the hand of Rajendra Ahuja.

27. The informant was threatened to give the bag and was handed over a heavy bag which was locked. The informant then sat in the auto, broke open the lock of bag and found that one English dictionary was in the bag. The informant got frightened and thus made telephonic call to the applicant who started laughing and asked not to lodge any complaint. Thereafter, the informant went to Pahar Ganj Police Station at Delhi for lodging the FIR, where he was advised to lodge a complaint against the mediator. It is in this background, the First Information Report was registered.

28. In the aforesaid background, I have given thoughtful considerations to the arguments advanced. I have also gone through the papers produced by the learned APP.

29. Coming to the contention of the learned counsel for the applicant that the offences are punishable upto 7 years imprisonment, suffice it to say that in the First Information Report, offence under Section 309(4)of BNS is also mentioned which is punishable with 10 years. It cannot be ignored that even Section 61(2) of the BNS is mentioned which deals about criminal conspiracy. The contention of the learned counsel for the applicant that mandate of Section 35(4) of the BNSS was required to be followed, has thus no merit.

30. The next contention of the learned counsel for the applicant that the applicant has attended the police station as per direction given by this Court on 18.12.2025 and has cooperated the investigation agency, that by itself will not be a ground enough to grant him anticipatory bail when the investigating agency has come with the specific case that the custodial interrogation of the applicant is necessary and the offence is serious in nature. It further cannot be ignored that on various occasions, the application was adjourned at the instance of the applicant/accused.

31. The next contention of the learned counsel for the applicant that no man of ordinary prudence would believe that the applicant has committed any crime, as the informant has continued with the transaction with the same persons though earlier he was cheated. In this regard, it is necessary to mention here that the First Information Report can be divided into two parts. First part deals with the episode which had taken place at Mumbai, where it was the present applicant, who had introduced the informant to the fictitious custom officer, had taken the informant and his friend to ITC Maratha Hotel, Mumbai, arranged meeting and assured that those officers are trustworthy. It is further clear from First Information Report that it was the applicant who insisted that the same taxi should be hired. The applicant’s conduct in asking the informant and his friend not to lodge report at Mumbai as he would take the help of officers, also shows that systematic planning was done to commit the offence.

32. It is further pertinent to mention here that in order to cover the losses incurred in the first transaction, which was to take place at Mumbai, the second transaction was intended to enter into. Though the applicant initially refused to accompany the informant at Delhi and had a quarrel with him, subsequently, it was the applicant who again called the informant and his friend and asked about the transaction at which time the informant told that they could arrange ₹17,50,000/- only. Though the applicant was not present at the Delhi, fact remains that it was the applicant who assured the informant to visit the Delhi and assured that the officers are trustworthy/good persons and the informant need not be afraid.

33. The incident which took place at Delhi speaks about asking the informant and his friend to hand over the bag containing cash amount by showing knife to one of them. It cannot be ignored that the offence under Section 419, 420, 468 read with Section 34 of IPC bearing Crime No.18/2020 is registered against the present applicant with Nagpuri Gate Police Station, Amravati City. In said First Information Report, the applicant was shown as accused no.2 and it was alleged that the applicant and co-accused therein, had accepted amount of ₹5,42,000/- from the informant therein under the pretext of providing the employment in police department; so also, the applicant and co-accused prepared fake ID of IPS Officer and shown it to the informant therein.

34. The investigating agency has also come with a specific case that on the basis of the mobile number given by the informant the other accused was identified as Deva Hivrale (alleged custom officer), who was having criminal antecedents. The exchange of mobile calls on 25.04.2025 and 21.06.2025, shows involvement of the present applicant. The offence at Mumbai was committed on 25.04.2025, whereas; the offence at Delhi was committed on 21.06.2025. Just because the applicant was not present at Delhi, would not *prima facie* be a material favourable to him. The case papers shows that investigation is at primary stage and the manner in which offence is committed, the detailed investigation is required. Since, at the stage of deciding an application for grant of anticipatory bail, in-depth enquiry is not necessary, I am not inclined to allow the application. Hence, application is rejected.

(Rajnish R. Vyas, J.)

Wagh