



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**CRIMINAL APPLICATION (BA) NO. 86/2026**

(Rajesh Uttamrao Hiwarale Vs. State of Maharashtra)

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

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Mr. Amol Hunge, Advocate for applicant.  
Mrs. Mayuri H. Deshmukh, APP for non-applicant/State

**CORAM: M. M. NERLIKAR, J.**

**DATED : 17/02/2026.**

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 700/2024 registered with Police Station Hudkeshwar, Nagpur, Tahsil and District Nagpur for the offence punishable under Sections 3(5), 140(2) of the Bharatiya Nyaya Sanhita.

3. The prosecution case, in nutshell, is that on 30.09.2024, the informant lodged a First Information Report ("FIR") stating that on 29.09.2024, between 1:00 p.m. and 4:00 p.m., he had arranged a meeting at Queen's Land Celebration Lawn. To attend the meeting, he proceeded there in a white Innova Car ("car") along with his colleagues, namely Dilip Shinde and Giridhar Nikhare. At that time, accused No. 1, namely Gaurav Parale, came

towards their car and asked who Ajay Waghmare was. Dilip Shinde pointed towards the informant, who was sitting in the car. Thereafter, accused No. 1-Gaurav Parale, asked the informant to come with him and made him sit in another vehicle, in which one police constable and one person in civil dress were already seated. Thereafter, the present applicant and the co-accused started pressurizing the informant for money and threatening him regarding cheating allegedly committed by him. The accused persons started demanding money and blackmailing the informant. The informant informed his colleague about the incident, and thereafter his colleague, namely Dilip Shinde, informed a police officer, who intercepted the vehicle. As the informant was very frightened, he lodged the report on the next day.

4. The learned counsel appearing for the applicant submits that the applicant was arrested on 11.10.2024 on the allegation that the applicant, along with three other persons, namely Gaurav Parale (Police Constable), Akash (driver), Vikrant, and the present applicant (Police Constable), abducted Ajay Waghmare, a businessman, on 29.09.2024 at about 1:00 p.m. in car. He was forced to sit

in the car. At that time, Gaurav and the present applicant stated that the informant had misappropriated of Rs. 20 crores. They have received a written complaint against the informant and that, if he wanted to close the matter, he would have to pay Rs. 15 lakhs to them, however, the informant showed his inability to pay Rs. 15 lakhs, though he agreed to pay Rs. 2 to 3 lakhs, which was refused by the applicant and others. It is further alleged that they took mobile phone and wallet of the informant, due to which he was unable to contact anyone. Thereafter, for about 4 to 5 hours, they drove the car around Nagpur city. Subsequently, he got back his phone and called his friend, namely Dilip Shinde, to arrange the money and narrated the incident to him. Dilip Shinde informed the police, and accordingly, at about 7:30 p.m., near Radisson Blu Hotel before the bridge, the car was intercepted. All the accused persons were apprehended and taken to the police station. The learned counsel appearing for the applicant submits that no test identification parade was conducted. The informant gave names on the basis of the name plates affixed on their uniforms. However, in the absence of a test identification parade, it is difficult to say that the present

applicant is involved in the crime. My attention is invited to the statement of Dilip Shinde, wherein he stated that there were continuous calls from the mobile phone of the informant, during which the so-called police officials were asking him to arrange the money immediately and that Rs. 3,50,000/- would not be sufficient, and that he should arrange a higher amount. Dilip Shinde suspected that they were fake police officials and therefore informed the police. According to the learned counsel appearing for the applicant, apart from this, there is nothing in the charge sheet to connect the present applicant with the alleged crime. He submits that no case under Section 140 of the BNS is made out and that the alleged offence is nothing but a concocted story. He has also invited my attention to the inquiry conducted by the department, wherein the statement of the informant was recorded, and in Question No. 9, he stated as under:

"प्रश्न कं. 9 आपण दि. 29/09/2024 चे अंदाजे दुपारी 14:00 वाजता इनोव्हा कार क्र. एम.एच. 27 बी.इ. 0900 मध्ये बसले तेव्हा त्या कार मध्ये पोशि/14360 राजेश हिवराळे हे पोलीस युनिफॉर्म मध्ये बसले होते त्यांचे ड्रेसचे शर्टचे उजवे खिस्याच्या वर पोशि/राजेश हिवराळे ब.नं. 14360 असे लिहिले होते? हे म्हणने खरे

आहे का?

उत्तर:- या विषयी सांगता येत नाही"

Therefore, according to the learned counsel for the applicant, there is no material against the applicant, and he may be granted bail as he has been in jail since 01.10.2024. He submits that the FIR was registered belatedly on 30.09.2024 as an afterthought.

5. On the other hand, the learned APP vehemently opposes the application and submits that the applicant is a police constable. It is his duty to protect the society at large. However, instead of doing so, the applicant is involved in such a serious offence. The applicant was caught red-handed at the spot itself, and a station diary entry to that effect was taken. He was taken to the police station, and in the station diary entry, the name of the present applicant, who apprehended from the spot, was also mentioned. She further submits that, it was not necessary to conduct a test identification parade, when the applicant itself was caught red-handed. There is also evidence in the nature of CCTV footage. The vehicle was seized, and in the CCTV footage, accused No. 1 is clearly seen. Accused No. 1-Gaurav, and the present applicant,

who were police constables at the time of the incident, were posted at Bajaj Nagar Police Station, Nagpur. She submits that there is sufficient evidence against the present applicant; therefore, he may not be granted bail.

6. Upon consideration of the rival submissions, it reveals that admittedly the incident took place on 29.09.2024, wherein it is alleged that the present applicant, along with three other accused persons, abducted the informant, who is a businessman, and demanded Rs. 15 lakhs under the false pretext that a complaint had been filed at the police station regarding misappropriation of Rs. 20 crores. He was made to sit in the car, and thereafter was taken from one place to another in Nagpur city for about four to five hours. He was confined in the car. It is further to be noted that the mobile phone of the informant was also taken by applicant and the other accused persons. After some time, when the demand was made, he was asked to call his friend. Accordingly, the informant called his friend, Dilip Shinde, and asked him to arrange Rs. 15 lakhs.

7. Perusal of statement of Dilip Shinde, transpires that there were continuous calls from the mobile phone of the informant to him, during which the accused persons were talking about arranging Rs. 15 lakhs and not Rs. 3.5 lakhs, which was arranged by him. When it was suspected that the accused persons were not real police officials and appeared to be fake one, he informed the police. Accordingly, a station diary entry to that effect was also recorded on 29.09.2024 regarding the information given by Dilip Shinde. The car was apprehended on spot itself near the bridge of Radisson Blu Hotel. It is an admitted fact that the present applicant, along with others, was apprehended and taken to the police station, which is reflected in the station diary entry dated 29.09.2024. In that station diary entry, specific name of the present applicant appears as one of the person who abducted the informant. There is also evidence in the nature of CCTV footage, wherein accused No. 1 is seen.

8. Considering the serious allegations against the present applicant, merely because a test identification parade was not conducted, that by itself is not sufficient to enlarge the applicant on bail, especially when the applicant

and others were apprehended near Radisson Blu Hotel and were taken to the police station, where a station diary entry was made. Even from the statement of Dilip Shinde, it appears that he, along with Kamlesh Zode and Nitin, went to meet the accused persons near Radisson Blu Hotel, Nagpur, and asked them to show a summons or warrant for taking the informant for custody, however, they refused and threatened them. They also saw the applicant sitting in the car in police uniform.

9. Considering this, I am not inclined to grant bail. It is further to be noted that, although the informant turned hostile in the departmental enquiry, that fact alone is not sufficient to release the applicant on bail. The applicant and the main accused, Gaurav, are in the police department, it is their duty to protect Society, instead of that they have indulged in extorting money. The informant also appears to be afraid of the applicant and the co-accused, since the applicant is in the police department. It is further to be noted that the learned counsel for the applicant placed on record a copy of the bail order by which one of the accused namely Akash, who was driving the vehicle, has been granted bail. However, the role of

Akash and that of the present applicant, who is a police official, is quite different.

10. In view of above, I am not inclined to grant bail. Criminal application is therefore, rejected.

**( M. M. NERLIKAR, J.)**

*Gohane*