

BA NO. 4419/BA/2025
CR NO. 835/2025
U/ss. 305, 3(5) of BNS.
NIRMAL NAGAR PS

ORDER BELOW BAIL APPLICATION OF ACCUSED
NO. 1 – SHRAVAN HARIDWAR NAVIK

1. Accused no. 1 above named is arrested in this crime on 24/11/2025. After initial P.C.R. he is taken in MCR on 01.12.2025. He has made bail application for releasing him.

2. Accused no.1 has sought bail on the grounds that, he is a young boy of 25 years and works as a delivery boy. He is falsely implicated in this offence. Nothing is recovered at the instance of this accused. There are no criminal antecedents against this accused. He is permanent resident of Mumbai. He has no concern with either the offence or the other accused. He is ready to abide all the conditions imposed by the Court. Hence, he has prayed for allowing the application.

3. Say of informant, I.O. and Ld. APP was called. All have filed their say and resisted the application.

4. The informant has stated that the accused are committed the offence of housebreaking and theft. The offence is committed in an organised nature, was premeditated and was committed in a professional manner. The monetary value of the theft articles is approximately Rs.40 Lakhs. The part of recovery is yet to be made. The loss of property has cost substantial loss to the informant. Hence, he has prayed for rejection of the application.

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5. The I.O. has filed say and resisted the application on the ground that the accused might disposed off the unrecovered property. The accused might threaten the informant and other witnesses and tamper the prosecution evidence. The chances of absconding of the accused also can not be neglected. Hence, he has prayed for rejection of the application.

6. Ld. APP has objected the application on the grounds that, the investigation is an initial stage. The accused have committed the offence in preplanned manner. The modus-operandi is criminal minded. Every accused has performed specific role and there can not be any bifurcation in the offence committed by the accused. The physical presence of the accused at the time of offence is confirmed through CCTV footage and as well as through eye-witnesses. The offence is serious and non-bailable. It has a greater gravity than the habitual offenders. As per remand report the police have claimed their right of further PCR intact and thereafter the accused are taken in MCR. Hence, he has prayed for rejection of the application.

7. Read application and say of all. Heard Ld. Advocate Shri. Anil Kasare for accused no. 1 and Ld. APP and Advocate for the informant at length. On perusal of the record and remand report it is gathered that the accused no.1 was present at the relevant time in the shop of the informant. The presence is not satisfactorily explained as whether he was present as a delivery boy or as a customer. The investigation is at initial stage and therefore at this stage it is difficult to decide if the accused seriously had any common intention to commit the offence alongwith the other accused or not. From the facts at this juncture suggest that this accused has not done the thing which he was legally bound to do. The accused is taken in MCR by reserving the right of the police of further PCR intact as per the provisions of


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B.N.S.S. Part of recovery is yet to be made. The investigation is at an initial stage. From the modus-operandi there is prima facie evidence to believe that the offence is preplanned. The accusations against the accused are well founded. Investigation conducted so far shows that prima-facie case is made against the accused. If accused is released on bail, then he might abscond. Considering the facts and circumstance, pass the following order :-

ORDER

The application is rejected.

Date : 06.12.2025

rsh.


(S.S. Parkhi) - 6/12/25
Judicial Magistrate (First Class),
32nd Court, Bandra, Mumbai.

