

MHCC020114642026



IN THE COURT OF SESSION FOR GREATER BOMBAY
AT BOMBAY

CRIMINAL BAIL APPLICATION NO. 2150 OF 2026
(CNR. No.MHCC02-011464-2026)

Bajinath Ramlakhan Yadav @ Pintu, Applicant/Accu. No.02
Age : 42 years, Occupation – Driver,
R/t:- Above Yaduvanshi Medical, Lalji Pada,
New Link Road, Near Munna Dairy,
Kandiwali, Mumbai.

Versus

The State of Maharashtra, Respondent
(Through V.P. Road Police Station
Vide C.R. No. 1293 of 2025 Transfer
to C.R. No. 76 of 2025 DCB CID Unit-II)

Appearances:

Ld. Adv. Mr. Harshwardhan M. Pawar i/b Ld. Adv. Padmasinh P. Patil for applicant/accused.
Ld A.P.P. Mr. Pankaj Chavan for State.

CORAM : HIS HONOUR ADDL. SESSIONS JUDGE
SHRI. N.V. JIWANE (C.R.NO.52)
DATE : AUGUST 13, 2026.

(DICTATED AND PRONOUNCED IN OPEN COURT)
:ORAL ORDER:

This is an application under Section 483 of BNSS for releasing applicant on bail in Crime No.76/2025 registered with DCB

CID Unit II (earlier registered at V.P. Road Police Station vide C.R. No.1293/2025) for the offences punishable under Sections 309(4), 305(C) of the Bhartiya Nyaya Sanhita, 2023.

2. It is the case of prosecution that, on the basis of complaint lodged by informant Narayanhari Mahavirprasad Halan the above said offence came to be registered against one unknown person. The informant informed the police that he was involved in the business of finance in the name of Halan Finance Company. On 10.09.2025 his employees were went for collection of money and they had collected Rs.50,00,000/- and kept the same in Innova four wheeler car bearing registration no. MH01-DX 2511 of which driver was applicant/Baijnath Yadav. It was further informed that when the employees of informant tried to call the applicant, he was not responding and therefore they searched for the vehicle. When they found the said car, the applicant was found unconscious in car having his hands and legs tied with nylon rope. The amount of Rs.50,00,000/- kept in the said car were also found missing. Therefore, the informant lodged the report on 11.09.2025 at 2.40 a.m.

3. It is further the case of the prosecution that during the investigation supplementary statement was given by the informant and thereby informed that the total amount collected on 10.09.2025 was Rs.2,58,00,000/- which was missing from the said car. During the investigation, applicant had given memorandum statement and thereby shown his willingness to show the place where he alongwith other accused persons had planned for committing the theft of amount of collection. During the recording of memorandum statement, applicant/Baijnath Yadav had specifically informed about the names of

other accused persons involved in the said crime. Accordingly, during the investigation other accused persons namely Ibrahim and Munesh were arrested and amount was recovered from them. The accused namely Hansraj Yadav is still absconding. After completing the investigation, detail charge-sheet is filed in the Court.

4. It is the contention of the applicant that he is innocent and allegations against him are false and frivolous. He is falsely implicated in the case. The investigation is already completed and charge-sheet is filed in the Court. There is nothing remain to be investigated or recovered from the present applicant. It is further contended by the applicant that while lodging the FIR, only an amount of Rs.50,00,000/- was shown to have been missing from the said car, but on the basis of supplementary statement of informant recorded on 16.09.2025, the total amount of Rs.2,58,00,000/- was shown to be missing. But in this connection, there is no statement recorded of any of the employees of the informant showing that on 10.09.2025 they had collected the amount of Rs.2,58,00,000/-. Further there is nothing placed in the charge-sheet to show that from whom the said amount was collected on 10.09.2025. It is further contended by the applicant that the medical certificate annexed alongwith the charge-sheet clearly shows that there was head injury to the applicant, which itself shows that the applicant was assaulted by the persons who had committed the theft of the amount. Further the applicant was found tied with his hands and legs in the said car itself, which itself shows that the applicant was not involved in the alleged crime. It is further submitted that an amount of Rs.1,03,42,500/- is shown to have been recovered in the said crime and out of the said amount, an amount of Rs.41,58,000/- from other

accused persons. The whole charge-sheet does not shown any specific role to have been played by the applicant and only on the basis of alleged conspiracy hatched by the applicant, applicant was arrested in the said crime. Further there was nothing shown to have been recovered from the applicant. It is further contended by the applicant that as the charge-sheet is already filed in Court and 30 witnesses are mentioned in the charge-sheet. Thus the trial is going to take considerable time to commence and conclude and till that uncertain period, applicant cannot be incarcerated in jail, which will be pre-trial conviction of the applicant. Hence prayed to release the applicant on bail.

5. The said application is strongly opposed by Ld. APP by filing reply at Exh.2. It is the contention of Ld. APP that the applicant has committed serious offence. During the investigation, it was revealed that applicant alongwith other accused persons hatched criminal conspiracy to commit theft of the amount of finance company of complainant collected. The applicant/Baijnath Yadav was the person who had informed the other accused persons about the availability of cash in the car and thereafter all the other accused persons shown the farce of committing theft of the amount by making unconscious and tying the applicant. During the investigation, complexity of the accused persons was surfaced and accordingly accused persons were arrested and an amount of Rs.1,03,42,500/- of theft amount was recovered. The other amount is yet to be recovered. The another accused namely Hansraj is still absconding and he needs to be arrested. If the applicant will be released on bail, then the applicant will assist the absconding accused to avoid the trial. Further the apprehension of hampering and tampering of prosecution evidence and witnesses is also raised. Hence,

it is prayed to reject the application.

6. Heard Ld. Adv. Mr. Harshwardhan Pawar for applicant/accused and Ld. APP Mr. Pankaj Chavan. Perused the record.

7. The accused is alleged to have committed an offence punishable u/s 309(4), 305(c) of BNS, 2023 and the allegations levelled against the applicant that he was one of the conspirator for committing theft of the amount and committed theft of amount of Rs.2,58,00,000/- of the complainant. During the argument it was pointed out that except the supplementary statement of complainant, there is nothing placed on record to show the collection of Rs.2,58,00,000/- on 10.09.2025 and the same amount was available in the said car. The applicant is alleged to have given memorandum statement and thereby shown the place where the accused persons conspired to commit the offence. Except the said evidence, there is nothing brought on record to show the involvement of the present applicant in the alleged crime. Though the prosecution has relied on CDR, but there is nothing placed on record to show the nexus between the applicant and the other accused persons. There is nothing shown to have been recovered from the applicant. Further it is noteworthy to mention here that the investigation is completed and charge-sheet is also filed in the Court. The charge-sheet itself shown that the prosecution is relying on 30 witnesses for proving the offence. Thus the trial is going to take considerable time and the same cannot be expected to be commenced and completed in near future. Further there is nothing brought on record that the custody of applicant is required for any investigation purposes and only because one of the accused is absconding, cannot be the ground for rejecting the bail application. One of the accused namely Ibrahim Abdul Rehim Shaikh was already

released on bail by order dated 15.07.2026 in Criminal Bail Application No. 639 of 2026. The role alleged to have been played by the said released accused is found to be similar of the alleged role played by the present applicant. Therefore the principle of parity is also found applicable to the present applicant. Therefore after appreciating the fact that the investigation is completed, charge-sheet is filed and considerable time will be required to commence and complete the trial and therefore till that uncertain period, applicant cannot be kept in jail and no purpose will be served by keeping the applicant in jail. Therefore, in the facts and circumstances of the present case, I am of the considered opinion that the discretion in granting bail needs to be exercised in favour of applicant. Hence, I proceed to pass following order -

ORDER

1. Criminal Bail Application No. **2150 of 2026** is allowed as under.
2. Applicant/accused **Bajinath Ramlakhan Yadav @ Pintu**, is released on bail in **Crime No.76 of 2025** registered with DCB CID Unit II (earlier registered at V.P. Road Police Station vide C.R. No.1293/2025) for the offences punishable under Sections 309(4) and 305 (C) of the Bhartiya Nyaya Sanhita, 2023 subject to conditions as under -
 - i) Applicant/accused shall execute a personal bond for a sum of **Rs.1,00,000/-** (Rupees One Lakh Only) with one or two local sureties in the like amount.
 - ii) Applicant/accused shall not directly or indirectly make any inducement and/or influence and or pressurize or cause any threat or give any promise to anybody acquainted with the facts of accusations made against the applicant so as to dissuade such person from disclosing such facts to the court or to the investigating agency and shall not tamper in any manner whatsoever with the prosecution evidence whatsoever.

- iii) The applicant/accused shall not leave India, without the prior permission of this Court.
 - iv) The applicant/accused to submit his contact details to the investigating agency and keep it updated in case there is any change therein, within a period of two weeks.
 - v) The applicant/accused shall regularly attend the dates of the trial, unless his personal appearance is dispensed with by the Ld. Jurisdictional Court.
 - vi) The applicant shall provide his addresses and mobile numbers of his two blood relatives, with the Investigating Officer.
 - vii) In the event any of the condition herein being violated, the prosecution would be at liberty to seek for cancellation of bail.
3. Bail to be furnished before the Ld. Trial Court.
 4. Inform to the Ld. Trial Court.
 5. Criminal Bail Application is disposed off accordingly.



Date: 13.08.2026

**N.V. Jiwane,
Addl. Sessions Judge,
City Civil & Sessions Court,
Gr. Bombay.**

Dictated directly on computer :13.08.2026
Signed by HHJ on :13.08.2026

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL
SIGNED JUDGMENT/ORDER”

UPLOAD DATE AND TIME
13.08.2026 (04.04 p.m.)

NAME OF STENOGRAPHER
MRS. K.Y. INAMDAR

Name of the Judge (with Court Room No.)	Shri N.V. Jiwane C.R. No.52
Date of Pronouncement of JUDGMENT/ ORDER	13.08.2026
JUDGMENT/ORDER signed by P. O. on	13.08.2026
JUDGMENT/ORDER uploaded on	13.08.2026