



IN THE COURT OF SESSIONS JUDGE, GADCHIROLI

(Presided over by Shri A. L. Tikle)

Criminal Bail Application No.32/2026

Nikesh Devidas Meshram,

Aged 29 years, Occupation : Cultivation,

Resident of Lakhmapur, Bori,

Tahsil : Chamorshi, Dist. : Gadchiroli .. **Applicant**

-versus-

State of Maharashtra

Police Station Officer, Police Station,

Chamorshi, Tahsil : Chamorshi,

District : Gadchiroli .. **Respondent/Prosecution**

O R D E R (Below Exh.1)

(Passed on : 18th March, 2026)

By this application, under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), the applicant has prayed for grant of pre-arrest bail in Crime No.45/2026 registered with the Police Station, Chamorshi, District : Gadchiroli, for the offences punishable under Sections 331(3), 305(a) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2] I have heard Mr. P. C. Thakur, the learned counsel for the applicant and Mr. S. U. Kumbhare, the learned APP for the prosecution, in support of the application and say by the prosecution, respectively. Their contentions are dealt specifically as and when as required below.

3] With assistance of Mr. Kumbhare, the Investigating Officer (IO) and a Cyber Expert specially summoned to assist the Court, I have perused the investigation papers so far, which have been placed before me, only for my perusal.

4] As per the First Information Report (FIR), a theft took place at the house of the informant in broad-day light. The theft was of almost Rs.85,000/- which includes some gold ornaments and cash. The theft took place on 21.1.2026. Then there was arrest of one accused. During custodial interrogation of that accused, complicity of the present applicant was surfaced. There was recovery in the nature of discovery under Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023 (BSA) from the arrested accused of some gold ornaments which were subject matter of the theft. However, still some ornaments and cash are yet to be recovered. Due to the recovery of the gold ornaments, there is substantial evidence against the arrested accused.

5] Mr. Thakur has contended, that except an inadmissible confessional statement, that too by one co-accused, there is nothing against the applicant. However, Mr. Kumbhare has contradicted the same. He has contended, that a mobile handset without any Sim-card was recovered from the spot. With the help of that mobile handset, a mobile number subscribed in the name of the applicant was traced. The applicant was in habit of changing mobile numbers to screen himself.

6] However, it is matter of record, that except an entry in case-diary, there is nothing to prove the seizure of the mobile handset from the spot. Definitely, there was a laps on the part of the I.O. or the officer who made the actual seizure. During the course of last hearing, it was pointed out, that the call details reports of the mobile number subscribed in the name of the applicant, are available. To explain the said electronic evidence, the Cyber Expert was summoned. The Cyber

Expert viz. Varsha Bahirwar, a Lady Police Head Constable has explained, that with the help of the IMEI number of the said mobile handset, a number was found which received all the incoming calls in the said mobile handset. That number was treated as a target number. Then, with the help of that target number, the call details reports of that number was called. That target number is subscribed in the name of the applicant. Thus, there is substantial evidence to connect the applicant with the offence.

7] It is not the case, that at all there is no evidence against the applicant. Though there was a laps on the part of the Investigating Officer to draw a seizure panchanama, there is evidence in the nature of a case-diary to substantiate seizure of that mobile handset. As per the case-diary itself, on 21.1.2026 the mobile handset was found near the spot. The application submitted by the Investigating Officer to the Superintendent of Police dated 23.1.2026 seeking information about the call details report and other particulars of the IMEI number are forming part of the investigating papers. Hence, it is not the case, that there is nothing against the applicant. As rightly contended by Mr. Kumbhare, still some articles are yet to be recovered. Unless there is custodial interrogation of the applicant, there can not be recovery of those articles. In addition to that, Mr. Kumbhare is right in his contention, that the applicant is a habitual offender.

In view of the above discussion, I am not inclined to allow the application. Thus, I proceed to pass the following order :

ORDER

Criminal Bail Application No.32/2026 is hereby rejected.

Gadchiroli
18th March 2026

(A. L. Tikle)
Sessions Judge, Gadchiroli