

CNR MHNS010019242026
No

IN THE COURT OF SESSIONS, NASHIK, AT NASHIK.
(Coram : P. M. Badar)

Order on Exhibit 1 in Cri. Bail Appln. No. 583/2026

Sayyad Azhar Ali

V/s.

The State of Maharashtra
(Through Ghoti Police Station)

APPEARANCE:

Mr. G. A. Pofaliya, Learned Adv. for the Applicant.

Mr. S.S. Kotwal, Learned A.P.P. for the Respondent/State.

(A)	CASE DETAILS	
i)	FIR number and Date	9 of 2026, 09.01.2026
ii)	Police Station, District and State	Ghoti, Nashik, Tal. Dist. Nashik (Maharashtra)
iii)	Sections invoked	Secs. 140(2), 140(3), 61, 115(2), 351(2), 352, 3(5) of the B.N.S. 2023.
iv)	Maximum punishment prescribed	Seven years imprisonment.
(B)	CUSTODY & PROCEDURAL COMPLIANCE	
i)	Date of Arrest	20.03.2026
ii)	Total period of custody undergone	28 days
(C)	STATUS OF TRIAL :-	
i)	Stage of proceeding (Investigation/ Charge-sheet/ Cognizance/ Framing of Charges/ Trial)	Investigation
ii)	Total No. of witnesses cited in the charge-sheet	--
iii)	Number of prosecution witnesses examined	--

(D)	CRIMINAL ANTECEDENTS :-	
i)	FIR No. & Police Station	--
ii)	Sections	--
iii)	Status (Pending/ Acquitted/ Convicted)	--
(E)	COERCIVE PROCESSES:-	
i)	Whether any non-bailable warrant was issued?	No.
ii)	Whether declared a proclaimed offender?	No.

Order below Exh. 1
(Delivered on this 17th day of April, 2026)

After rejection of the bail application of the applicant by the Ld. Trial Court, the present application filed by the applicant Sayyad Azhar Ali for regular bail U/Sec. 483 of the Bhartiya Nagrik Suraksha Sahinta (for short, "the B.N.S.S.") in connection with C.R. No. 9/2026 registered with Ghoti police station, U/Sec. 140(2), 140(3), 61, 115(2), 351(2), 352, 3(5) of Bhartiya Nyay Sanhita (for short "BNS") and 3 read with Section 25 of Arms Act.

2] In short, the prosecution case is that, the complainant Sandeep Datta Patil is the resident of Nashik. On 20.10.2025, at about 11.26 p.m., he received whatsapp call on his mobile No. 8080277783 from mobile No. 9373758879. The caller informed his name as Jayesh Kadam. He abused the complainant and also threatened to kill him, if he did not come to meet him at Ghoti. He also informed that he works for co-accused no. 4 Virat Gandhi. On 22.10.2025, again said Jayesh Kadam made phone call to the complainant and asked him to come to Ghoti. Therefore, the complainant went to Ghoti at 2.00 p.m.. Thereafter, one white colour Fortuner Car came towards him. The applicant Sunil Dhumal and co-accused Jayesh Kadam and Vishal Naidu

alighted from the said car. Vishal Naidu was having gun in his hand. He put the gun on the head of the complainant and forcibly made him sit in the Fortuner Car. The aforesaid persons also beaten the complainant. The co-accused Jayesh Kadam informed him that, on 16.10.2025, somebody committed theft of old currency notes amounting to Rs. 400/- Crore alongwith two containers in which said currency notes were kept. The said loot was taken place at Chorla Ghat at Karnataka. He also informed to the complainant that, the said amount was of Kishor Savala Builder, who was their owner. He also informed the complainant that, in the said theft, the complainant was involved. Somebody send your photo and making phone call to Kishor Savala Builder and demanding extortion money of Rs. 100/- Crore for returning the said two containers of the old currency notes. The co-accused Jayesh also made whatsapp video call to the co-accused Virat Ghandi and Virat Ghandi also asked the complainant to return the amount of Rs. 400/- Crore and also threatened him by saying that, if he failed then his goons will killed him. The complainant informed them that, he was not in any way concerned with the said theft. Thereafter, the aforesaid three persons at Wadhivare village pushed the complainant out of the Fortuner car and also threatened to kill his family members. Thereafter, the complainant returned back to his home. However, on the same day, at about 5.00 p.m., again Jayesh Kadam asked the complainant to come behind Anuradha Talkies. The complainant went there. Co-accused Jayesh Kadam, Sunil Dhumal and Janardhan Dhaygude were present there. That time, the complainant was accompanied with his friends Chandu Sande and Pankaj Tunde. The applicant and Jayesh Kadam made all of them sit in Fortuner Car and again Jayesh Kadam started inquiry with complainant regarding Rs. 400/- Crores. Thereafter, he made whatsapp video call to Kishor Savala Builder and shown the complainant to him. At that point, Jayesh Kadam asked Chandu Sande and Pankaj Tunde to

get down from the car. After sometime, Jayesh Kadam received phone call. Thereafter, Jayesh asked the complainant to get down from the car and not to inform about this incident to police or to anybody and also threatened to kill him and his family, if he disobeyed their instructions. Due to the fear of life, the complainant did not lodge the report immediately to the police station. After some days, the co-accused Jayesh Kadam and Kishor Savala Builder came to know that, co-accused Virat Gandhi and Vishal Naidu committed theft of said Rs. 400/- Crore old currency notes with container. In this incident, the co-accused Virat Gandhi misused the photo of the complainant and deliberately provided false information to co-accused Jayesh Kadam and Savala Builder and falsely implicated the complainant in the said theft. This fact was informed to the complainant by the co-accused Jayesh Kadam and thereafter, the co-accused persons threatened him to kill if he informed the aforesaid incident to anybody. Thereafter, on 09.01.2026, the complainant lodged the report in respect of this incident to the Ghoti police station. The police have registered Crime No. 9/2026 against the applicants and his companions and charged them for the offences under BNS.

3] The investigating officer and learned APP submitted their say vide Exh. 4 and 5 respectively and strongly opposed the application.

4] The ld. advocate for the applicants contended that, the applicant has not committed any offence and he has been falsely implicated in this crime. Previously, this crime was investigated by SIT and on 11.02.2026, SIT submitted the report that, no offence is made out and accordingly, accused nos. 1 to 7 in this crime were released on bail by the Ld. Trial Court. Thereafter, the investigation was handed over the CID and applicant came to be arrested in this crime but during his police custody also, nothing was recovered from him by the police. In

addition to that, in the entire FIR also, there is no reference about the name of the present applicant. Beside this, there is also delay of four months in lodging the report. The applicant is ready to furnish his passport, so that there could not be any possibility of his absconding. The same offer was also made before the Ld. Trial Court, but the Trial Court rejected his bail application on the ground that, offence is triable by Sessions Court. Since 25.03.2026, the applicant is in the Magisterial custody and no fruitful purpose would be served by keeping him behind the bar. The applicant is ready to abide by all the terms and conditions of the bail. Hence, on all these grounds, the ld. advocate for the applicant prayed for releasing the applicants on bail.

5] On the other hand, ld. APP and I.O. have contended that, the offences are serious kind of offences. The CID has received investigation of this crime on 23.02.2026. That time, the present applicant was at Dubai and Look Out Circular (LOC) was required to be issued against him and on 20.03.2026, he was arrested at Ahmdabad. They further contended that not more than one month time is passed since arrest of the applicant. The investigation is still going on. The mobile phone of the applicant as well as co-accused are sent for Forensic Science Laboratory (FSL) for collecting electronic evidence. The I.O. has specifically contended that, if the applicant is released on bail then the possibility of his again fleeing to Foreign Country or to tamper with prosecution evidence by threatening prosecution witnesses cannot be ruled out. Hence, on all these grounds, the Ld. A.PP and I.O. vehemently opposed the application for releasing applicant on bail.

6] After hearing both sides and perusing the case papers, it appeared to me that, the present offence is related with the allegations of loot of old currency notes amounting to Rs. 400/- crores as well as kidnapping and abduction of the complainant. It is true that, previously,

SIT was formed for the investigation of this crime and it has given report that, no offence is made out and complaint is false. However, it is also true that, thereafter, investigation was handed over to CID on 23.02.2026. Today, the I.O. i.e. Deputy Superintendent of Police Mr. Thakur present before the Court and informed that, the investigation is still in progress. They are getting evidence about involvement of the present applicant in the alleged incident. Consequently, I hold that in such circumstances, at such preliminary stage of investigation by CID no opinion about truthfulness or falsehood of complaint can be expressed and merely on the ground that, the Ld. Trial Court has released other co-accused after the report of SIT, it cannot be said that the present applicant is also entitled to be released on bail. The I.O. informed that, they are deciding line of action against the said released co-accused. Previously, the prosecution has suffered lot in securing presence of this absconding applicant and it was required to issue Look Out Notice and at last, he was arrested at Ahmedabad. Considering this background and the fact that the investigation is still in progress, I found substance in the contention of the I.O. that, if the applicant is released on bail then chances of his absconding or tampering with prosecution evidence cannot be ruled out. Mere surrendering of passport cannot be said to be a guarantee that the applicant could not abscond. On consideration of all these facts, I am of the opinion that the applicant is not entitled for bail at this stage of investigation. Accordingly, I pass the following order -

ORDER

This application is rejected.

Date : 17.04.2026.

(P. M. Badar)
2nd Additional Sessions Judge,
Nashik.

