

MHNS100002052026



**Cri. (Bail) Application No.58/2026**  
[Vadner Bhairav Police Stn. C.R.No.135/2025]

**Sagar Asit Halder & Other-2**

**Vs.**

**State of Maharashtra**

**Through Vadner Bhairav Police Station**

**Order Below Exh.1**

This is the application for regular bail filed by applicants /accused no.1- Sagar Asit Halder, no.2-Biswajit Sudip Halder and no.3-Hari Gobinda Haldar as per Section 483 of Bhartiya Nagarik Suraksha Sanhita in connection with C.R. No.135/2025 registered with Vadner Bhairav Police Station for the offences punishable under Sections 303(2) r/w 3(5) of Bhartiya Nyay Sanhita on the basis of FIR given by informant Ramesh Ratan Patil.

2. It is case of the prosecution as per First Information Report that according to the informant, he is running hotel on Mumbai-Agra National Highway by name Durgadi Hotel in Wadali Bhoi Shivar of which management is given to Jitendra Mhaske. Jitendra Mhaske was responsible to supply labours and give them training and taking verification of the said labours. On 13.06.2025, Manager Jitendra Mhaske sent list of employees to the informant for salary and then son of the informant paid salary to the concern on 14.06.2025 by

Phonepay. On 15.06.2025 at about 7-30 a.m. somebody called son of the informant that twelve workers from the hotel have run away and then son of the informant went there and noticed that out of three Tabs, two Tabs are got stolen worth Rs.9,000/- Thereafter, son of the informant checked the CCTV cameras of the hotel and found that one worker has switched off main switch of electricity supply and then though informant tried to contact Manager Mhaske, he gave evasive answers. Accordingly, F.I.R. is given.

3. According to the applicants / accused they are falsely implicated in the matter. According to them, they were working as waiter-cum-cook in the said hotel. It is their case that hotel owner was not paying the agree salary and then supplier Mr. Mhaske also started cutting his commission from the salary of the applicants and therefore, they have left the job of the informant and therefore, false complaint is given and they are arrested illegally without any offence. According to them, their bail application is rejected by J.M.F.C. Chandwad on 01.03.2026 and therefore, they prayed to grant bail.

4. Present application is strongly opposed by prosecution by filing say at Exh.4.

5. Heard Ld. Advocate for applicants /accused and Ld. A.PP at length. Perused the investigation papers. On going through the entire material, it is clear that there is inordinate delay in lodging F.I.R. The alleged offence has taken place during night of 14.06.2025 to 7-30 a.m. of 15.06.2025 but F.I.R. is lodged on 06.07.2025 which creates doubt.

6. Considering the allegations, when I asked the Investigating Officer why he has not collected CCTV footage from the hotel and produced it in Court to verify the allegations and why not seized DVR, Investigating Officer gave evasive answers and avoided to produce it on record. Therefore, prima-facie there appears to be substance in the argument of Ld. Advocate for the applicants that this is the case of banded labour (*vethbigari*). It is highly impossible that accused will commit theft of only two tabs which are used for taking orders by the waiters from the customers of which valuation is zero in the market if somebody wants to commit theft of it. The order passed by Ld. J.M.F.C., Chandwad rejecting bail application is very shocking. Prima-facie there appears to be no substance in the case. Whatever it may be, considering the value of alleged theft, there is no reason to keep the accused in jail for indefinite period. Therefore, they needs to be released on bail. Therefore, following order.

#### ORDER

- 1) Application is allowed.
- 2) **Applicant /Accused no.1- Sagar Asit Halder, no.2-Biswajit Sudip Halder and no.3-Hari Gobinda Haldar in C.R.No. 135 /2025 of Vadner Bhairav Police Station** be released on bail in the sum of Rs.5,000/- (Rupees Five Thousand Only) each with one surety in the like amount each and upon following conditions;
  - (a) That applicant/ accused shall not cause inducement or threaten the prosecution witnesses.
  - (b) That the applicant /accused shall furnish the information regarding their current addresses, mobile contact numbers

and shall inform if there is change in mobile numbers and addresses from time to time.

- 3) Bail before concern J.M.F.C. Court
- 4) Inform concerned police station. So also inform the accused through Superintendent of concerned jail by sending soft copy of this order by e-mail.

Place : Niphad.

Date : 11.03.2026

Additional Sessions Judge,  
Niphad.