



ORDER BELOW EXH.01 IN CRI.BAIL APPLICATION

NO.25/2026

(Lavesh Vs. State)

Introduction :-

The present application is filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 439 of the Code of Criminal Procedure) seeking regular bail in connection with C.R. No.21 of 2026 registered with Poynad Police Station for offences punishable under Sections 109(1), 304(1)(2), 308(5), 311, 351(2)(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 25 of the Indian Arms Act.

02. The application is opposed by the State as well as by the original complainant.

Prosecution Case –

03. The prosecution case as disclosed in the FIR lodged by Karan Ramesh Chawla reveals that the complainant along with his associate runs Elite Hotel and Resort at Nagzari under the name of Swami Krupa Developers.

04. It is alleged that on 04/02/2026, Accused No.1 Mayuresh Gambhir, accompanied by the present applicant and other accused persons, visited the said resort.

05. The FIR narrates that Accused No.1 introduced himself as a gangster and demanded unlawful consideration in the form of transfer of one bungalow in the name of his wife,

payment of substantial monetary amount.

06. It is further alleged that Accused No.1 took the complainant to a room in the resort, took out a pistol from his waist, pointed it towards the complainant and pressed the trigger, however the pistol allegedly misfired, thereby the complainant escaped fatal injury. It is further alleged that Rs.50,000/- cash was forcibly taken from the complainant.

Submissions on Behalf of the Applicant :-

07. Learned counsel for the applicant submits that the applicant has been falsely implicated. It is argued that the serious overt acts including use of firearm and misfire are attributed exclusively to Accused No.1. The FIR does not attribute any act of using firearm or committing physical assault to the present applicant. The applicant has been in custody since 07/02/2026, and his further custodial interrogation is not necessary.

08. Reliance is placed upon the judgment of the Hon'ble Supreme Court in *Prabhakar Tewari vs State of Uttar Pradesh & Another (2020)* to submit that criminal antecedents alone cannot be the sole ground to deny bail when the role attributed to the accused is limited.

Submissions of the Prosecution and the Complainant :-

09. Learned DGP and learned advocate for the complainant strongly oppose the application. The learned counsel for the complainant has also filed detailed written

submissions opposing grant of bail.

10. The gist of the written submissions is that the offences alleged in the present case are extremely serious in nature and disclose organised criminal conduct involving armed intimidation, extortion, robbery and threats to life. It is contended that the accused persons acted in concert and that the present applicant was not a passive spectator but an active participant who supported the unlawful demands made upon the complainant.

11. It is further submitted that Accused No.1 is a notorious offender with several serious criminal antecedents including offences relating to murder, dacoity and violent crimes, and the present applicant knowingly associated himself with such person and thereby contributed to the atmosphere of intimidation created during the incident.

12. The complainant has also contended that the presence of the present applicant along with the principal accused reinforced the coercive environment created during the incident and that he demanded that matters relating to construction and contracts of the resort be routed through him, thereby participating in the alleged extortionary design.

13. It is also submitted that material articles such as the firearm used in the offence, the vehicle used by the accused persons, the mobile phone and the allegedly snatched cash amount of Rs.50,000/- are yet to be recovered, and therefore the investigation is still at a crucial stage.

14. It is contended that if the applicant is released on bail, there exists a reasonable apprehension that he may influence witnesses, tamper with evidence or assist the principal accused in obstructing the investigation. On these grounds it is urged that the applicant does not deserve the discretionary relief of bail at this stage.

Judicial Consideration :-

15. At the stage of deciding bail, the Court is not expected to conduct a detailed examination of evidence. However, the Court must consider : i) nature and gravity of accusation, ii) specific role attributed to the accused, iii) requirement of custodial interrogation, iv) criminal antecedents, v) possibility of tampering with evidence, vi) likelihood of absconding.

Role Attributed to the Present Applicant :-

16. Upon careful and independent perusal of the FIR, it is evident that the most serious allegations, namely :- taking out a pistol , pointing the pistol at the complainant, pressing the trigger are specifically attributed to Accused No.1 – Mayuresh Gambhir.

17. The FIR clearly indicates that the pistol allegedly misfired, and the allegation regarding the attempted use of firearm is confined to Accused No.1 alone. No specific allegation is made that the present applicant possessed or used the firearm.

18. Similarly, the allegation of forcible snatching of Rs.50,000/- cash is also primarily attributed to Accused No.1. The role attributed to the present applicant appears to be accompanying the principal accused and supporting certain demands.

Requirement of Custodial Interrogation :-

19. The applicant has remained in custody since 07/02/2026, i.e., for about one month. The prosecution has not demonstrated any specific necessity for further custodial interrogation of the present applicant. The recovery of pistol, vehicle and other articles appears to be primarily connected with Accused No.1, and not from the exclusive possession of the present applicant.

Applicability of Arms Act :-

20. The offences under Sections 3 and 25 of the Arms Act pertain to possession and use of firearm. Prima facie, the FIR attributes possession and use of the firearm only to Accused No.1 and not to the present applicant.

Balancing Liberty and Investigation :-

21. There is no dispute that the allegations in the FIR are serious in nature. However, the seriousness of the offence must be balanced with : i) the distinct role attributed to the accused, ii) period of incarceration, iii) necessity of further custodial interrogation.

22. The Hon'ble Supreme Court in Prabhakar Tewari vs

State of Uttar Pradesh (2020) has reiterated that criminal antecedents alone cannot be a ground to deny bail when the role attributed to the accused is limited.

Having regard to the fact that : i) the serious overt acts are attributed to Accused No.1, ii) the allegation of use of firearm is not against the present applicant, iii) the applicant has already remained in custody for about one month, and further custodial interrogation does not appear necessary, this Court finds that the applicant has made out a case for grant of bail.

ORDER

1. The Bail Application stands allowed.
2. Applicant / Accused No.3 **Lavesh Rajendra Kopardar** shall be released on bail in C.R. No.21 of 2026 registered with Poynad Police Station upon executing PR Bond of Rs.1,00,000/- (Rupees One Lakh Only) with one or two sureties of Rs.50,000/- each.
3. The applicant shall comply with the following conditions :-
 - a The applicant shall not enter the limits of Poynad Police Station except for attending Court proceedings or investigation.
 - b The applicant shall not contact or influence the complainant or any prosecution witness directly or indirectly.
 - c The applicant shall report to Poynad Police Station once every week between 10:00 a.m. to 12:00 noon for a period of three months.

- d The applicant shall not tamper with evidence.
 - e The applicant shall not commit any offence of similar nature.
 - f The applicant shall cooperate with the investigation whenever required.
 - g In case of breach of any of the above conditions, the prosecution shall be at liberty to seek cancellation of bail.
4. Bail before JMFC Court Alibag.
 5. This order be intimated to the Jail authority forthwith.
 6. Application stands disposed of accordingly.

Pronounced in open Court.

Alibag
Date : 09/03/2026.

(S.D.Bhagat)
Additional Sessions Judge,
Raigad-Alibag

