

MHRG170021802024



**ORDER BELOW EXH. 44**  
**IN SESSIONS CASE NO.141/2024**  
**KHARGHAR POLICE STATION C.R.NO.217/2024**  
**THE STATE OF MAHARASHTRA -V/S. - RAJ @ MOHAMMAD**  
**ASIF GALIB SHAIKH AND OTHERS**  
**( PASSED ON 07<sup>th</sup> DAY OF APRIL, 2025 )**

This application is on behalf of the applicant/accused No.5 – Shivaji Maruti Chikane vide Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge him on bail.

2. This application is strongly opposed on behalf of prosecution as per reply Exh.47.

3. Points for the determination and my findings thereon for the reasons stated below ;

<b>SR. NO.</b>	<b>POINTS</b>	<b>FINDINGS</b>
I.	Whether grounds are justified to release the applicant/accused No.5 on bail vide Section 483 of the Bharatiya Nagarik Suraksha	Yes.

	Sanhita, 2023 ?	
II.	What Order ?	The application is Allowed.

### **REASONS**

4. Perused application, say filed. Heard learned advocate for applicant/accused No.5 Shri.Arun Sing. Heard learned A.P.P Shri.A.R.Kadam. Heard Investigating Officer.

#### **AS TO POINTS NO. I AND II :**

#### **BRIEF FACTS OF PROSECUTION :**

5. The informant is a jeweller by profession resides at Mulund (West) Mumbai. He runs shop by name Monica jewelers. The person namely Ratansing Rathod was a servant at his shop from last 27 years. The informant is acquainted with a person by name Sunil Ingale. This person namely Sunil Ingale asked him for work of discount in lieu of 10 gram gold each. On next day informant, his friend Sunil Ingale and Ratansing Rathod have headed to Kharghar.

6. The accused No.1 - Raj came over there and asked them to come in front of one hotel. One vehicle came over there

and pushed Rathansing Rathod to sit in that vehicle and then taken him away. Those persons have hit to Ratansing Rathod severely and taken money of Rs.13 lacks from him. The witness Sunil Ingale restrained informant from lodging report under pretext of transfer of amount shortly by those persons. Then those persons have not parted the money.

7. On that count, the informant lodged the report Dated 27.06.2024 at Police Station, Kharghar. The Police Station Officer Kharghar registered Crime No.217/2024 for the offence under Section 395, 120(B), 170, 323, 504, 506, 34 of the Indian Penal Code against applicant/accused No.5 and other accused. Later on investigating officer added Section 363, 465, 468, 471 of the Act.

8. The applicant/accused No.5 is arrested on 04.07.2024 and produced before the court on 05.07.2024 and he was remanded to police custody till 09.07.2024 and it was extended till 12.07.2024 and then remanded to judicial custody as per order Dated 12.07.2024. The applicant/accused No.5 is presently in judicial custody.

**NOTICE TO VICTIM :**

9. In the light of directions of Hon'ble Apex court in the case of **Jagjeet Singh V/s. Ashish Mishra @ Monu in Criminal**

Appeal No.632/2022 Dated 18.04.2022, a victim is entitled to be heard at the stage of adjudication of bail application of accused. Relying upon these observations, the notice is issued to the informant. The informant failed to appear. He has not chosen to appear for hearing of bail application of accused No.5.

**WHETHER GROUNDS OF BAIL ARE MADE OUT ?**

10. At the outset, it is not in dispute that initially the report is lodged against one person by name Raj and rest unknown persons. The informant is a jeweler runs shop by name Monica Jewelers situated at Mulund (West) Mumbai. The friend of informant namely Sunil Ingale asked him for discounting of the gold. On that count the informant carried amount of Rs.13 lacks with his servant Ratansing Rathod at the place of incident.

11. The witness Sunil Ingale has phoned to the persons as such accused No.1 with name Raj came over there and asked the informant and witnesses to come at the place of one hotel. Once those persons have confirmed about the money with the witness Ratansing Rathod. This witness Ratansing was about to go for washroom that time the unknown persons have nabbed him. Those persons have taken away to Ratansing Rathod and robbed the amount of Rs.13 lakh.

12. Pursuant to that, the investigating agency on the basis of technical evidence like as CCTV footage and CDR record arrested the accused persons. The involvement of present applicant is restricted to the extent his presence in the Ertiga car. The said vehicle was plying by accused Rohit Shelar. The informant has admitted to the present applicant during course of identification parade.

13. The investigation of this crime is over and charge-sheet is filed. The police were not able to recover the entire amount stolen from the witness Ratansing. The part of amount to the tune of Rs.1,20,000/- is seized. The present applicant is represented as police. The police seized the vehicle alongwith name plate and the police cap from the vehicle. However, the manner of lying vehicle at workshop for repair and the said vehicle was dusty and was not in use. Further the cap, stick and nameplate of the police personnel were kept in such a manner that anyone can easily removed such articles. Therefore in the light of submission of advocate of applicant, the seizure of these articles from the vehicle is under cloud of doubt at this stage. This could be decided during course of trial only.

14. The present applicant is behind bar since more than nine months. Looking to the nature of the offence coupled with his involvement and the investigation is set at rest, as such

further detention of the applicant is unwarranted. The applicant is ready to furnish surety and abide conditions imposed by the court.

15. Earlier this court has enlarged the accused Vishal Tupe, Vishal Chorge and Raj @ Mohammed Asif Mohammed Galib Shaikh on bail. Today the application for bail accused No.7 Diler Sajid Khan is allowed by this court. The present applicant deserves for bail by virtue of rule of parity. On all these grounds, the applicant deserves for bail. I answer Point No. I in the affirmative. With this, I pass following order ;

### **ORDER**

1.	The application vide Exh.44 for regular bail vide Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the accused No.5 – Shivaji Maruti Chikane is allowed.
2.	The applicant/accused No.5 be released on bail on furnishing P.R. and S.B. of Rs.50,000/- (Rs. Fifty Thousand) with one surety of like amount on following terms and conditions ;

i.	The applicant/accused No.5 shall assist to Investigating Officer whenever called under written intimation.
ii.	The applicant/accused No.5 shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the accusations against him so as to dissuade them from disclosing such facts to the Court or to any police officer.
iii.	The applicant/accused No.5 shall not tamper with prosecution evidence in any manner.
iv.	A soft copy of this bail order be forwarded to applicant/accused No.5 through Superintendent, Taloja Jail by e-mail for information in view of observation of <b>Hon'ble Apex Court in the case of In Re Policy Strategy For Grant of Bail in SMWP (CRIMINAL) NO.4/2021, Dated 31.01.2023.</b>
3.	Inform to concerned Police Station accordingly.
	Dictated and pronounced in Open Court.

Place : Panvel.

Date :10.04.2025

( K.G. Paldewar )  
Additional Sessions Judge,  
Panvel

Arguments heard on	17 <sup>th</sup> Day of March, 2025, 04 <sup>th</sup> Day of April, 2025 and 07 <sup>th</sup> Day of April, 2025.
Judgment/order delivered on	10 <sup>th</sup> Day of April, 2025.
Dictated on	10 <sup>th</sup> Day of April, 2025.
Transcribed on	10 <sup>th</sup> Day of April, 2025.
Checked and signed on	10 <sup>th</sup> Day of April, 2025.

### **CERTIFICATE**

I affirm that the contents of this PDF file Judgment/Order is same and as per the original Judgment/Order.

Name of the Stenographer : K. N. Lokhande  
Name of the Court : Additional Sessions Court,  
Panvel  
Date of Judgment/Order : 10.04.2025.  
Judgment/Order signed on : 10.04.2025.  
Presiding Officer : K.G. Paldewar  
Judgment/Order uploaded on : 10.04.2025.