

ORDER BELOW BAIL APPLICATION
IN RCC 169/2026 (Exh.12)

1] Chargesheet is filed. Present application for bail is preferred on behalf of the Accused Dhiraj *alias* Papa Rajaram Rathod. Say on behalf of prosecution is filed by Ld. APP Shri. R.B.Sankhe. Heard at length Ld. Advocate Shri. Pradip Rajput for the accused and Ld. APP Shri. P.R.Thakare. Offence alleged under Section 318(4), 3(5) of the BNS. Perused record.

2] It is submitted by Ld. Advocate for Applicant/accused that, he is innocent. That, the chargesheet is filed. The offence is punishable with maximum imprisonment of 7 years and is triable by this Court. Accused was produced for remand. He is in judicial custody since 27.01.2026. That Applicant has the responsibility of his family. Co-accused No.2 was granted bail by the Hon'ble Sessions Court. That, he will abide by the conditions of bail. Hence, it is prayed that, the Accused be released on bail. In support of his arguments, Ld. Advocate for the Applicant/Accused has relied upon the order of the Hon'ble Bombay High Court in *Rahul A. Gupta v. State of Maharashtra* criminal bail application No.2581 of 2024 decided on 21.03.2025.

3] IO and Ld. APP have vehemently opposed the present application by stating that the offence is serious in nature considering its ramifications. Offence is punishable with imprisonment upto 7 years. It is submitted that, accused cheated the informant who is a senior citizen and took jewellery from her under the pretext of polishing the jewellery and absconded with four bangles and one chain made of gold and did away with it. Recovery is made at his behest. He has antecedents and similar offences registered against him which were not disclosed while preferring the following application for bail. This is not in consonance of the judgment of the Hon'ble Supreme Court in *Zeba Khan v. State of UP* (2026 INSC 144). This also reflects that his antecedents are sought to be hidden from the Court. There is likelihood of repetition of offence, tampering evidence,

intimidation of witnesses and accused not being present before the Court. There is enough material against the Accused, charge-sheet is filed and offence is serious in nature. That, bail is a rule and jail is an exception, in present case exception is made out. Hence, it is prayed that, the application may be rejected.

4] It appears that, the present Accused Nos. 1 and 2 came to be arrested in C.R.No.I 09/2026 registered with Boisar Police Station. PCR was prayed and granted. Recovery of jewellery is stated to be made at the behest of the police. MCR was prayed and both Accused were in Judicial Custody since 27/01/2026. Accused No.2 was granted bail by the Hon'ble Sessions Court. The charge-sheet is filed. The offence appears grave. Informant is a senior citizen who is stated to be approached by the Accused while she was seated to rest outside and carrying things. Her jewelry was sought to be taken away. It speaks of lack of safe space and vulnerability of senior citizens even while walking across the road. The offence and manner of conduct appears grave. Offence is punishable with imprisonment upto 07 years and is non-bailable and cognizable. It is not a case of default bail. The likelihood of the Accused absconding and committing similar offence cannot be ruled out. The antecedents speak for themselves. Hence, there appears to be merit in the submissions made on behalf of the prosecution that in the present case bail is likely to be misused. Bail is a rule and jail is an exception. In the present case, considering the circumstances and nature of offence, exception is made out. In these circumstances:-

ORDER

Application is rejected.

Date : 09/04/2026
Place : Palghar

(Smt. P.S.G.Chalkar)
Judicial Magistrate First Class,
(Court No. 2), Palghar