

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1819 OF 2025

Sanjeet Singh Ramsukh Singh @ Sanjit Ramsukh Sing	...Applicant
<i>Versus</i>	
The State of Maharashtra	...Respondent

Mr. N.M. Nadar for the Applicant

Mr A.R. Kapadnis, APP, for the Respondent-State.

Mr. Shailendra Patil, API, Nayanagar Police Station.

CORAM: R. M. JOSHI, J.

DATED: 23rd APRIL, 2026

PC:-

1. Applicant seeks bail in connection with C.R. No.I-14 of 2021 registered at Nayanagar Police Station for the offences punishable under Sections 395, 201, 412, 120(B) of the Indian Penal Code (in Short '**I.P.C.**') and Section 3 and 25 of the Arms Act and Sections 3(1), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act, 1999 (for short '**MCOC Act**').
2. In short, it is the case of the prosecution that on fateful day,

a dacoity was committed in a Jewellery shop wherein the ornaments worth Rs. 1,54,29,222/- were robbed. Since the prosecution found that there are other offences registered against the co-accused, provisions of MCOC Act were invoked. Investigation was conducted, statements of the applicant and co-accused were recorded under Section 18 of the MCOC Act. On conclusion of the investigation, chargesheet came to be filed.

3. Learned counsel for the applicant submitted that in the present case there is no evidence on record to indicate involvement of more than four persons in the actual commission of the robbery and hence it cannot be said that offence is of dacoity. It is his submission that provision of Section 395 do not get attracted to the applicant. He argued that the offence against the applicant at the most punishable under Section 392 of I.P.C. which is punishable with maximum imprisonment of 10 years and since the applicant is in jail over a period of 05 years and 10 months. , he is entitled for enlargement on bail. He also seeks to challenge the applicability of the invocation of MCOC against the applicant. On these amongst other submission bail is sought.

4. Learned APP, opposed the application firstly citing seriousness of the crime. It is his submission that there is evidence

on record including confessional statement of the applicant which is admissible in evidence to show that the applicant is involved in the crime in question. It is further claimed that the said statement of the applicant shows the involvement of 05 persons including one Bablu. It is argued that as per the plan hatched by the applicant and co-accused, Bablu was asked to wait for them at Ghodbundar in order to facilitate them in commission of the crime. It is submitted that the applicant hails from the State of Uttar Pradesh and he is likely to abscond, if granted bail. Finally it is argued that trial is in progress and 05 witness are examined in last three months.

5. *Prima-facie*, perusal of the record indicates that the evidence collected during the investigations so also the confessional statement recorded under the MCOC Act, do not show presence of 05 persons at the Jewellery Shop or around Jewellery Shop in order to consider this to be *prima facie* offence of dacoity. It would be relevant to take note of the fact in order to constitute any act of Robbery as Dacoity, 05 or more persons must conjointly commit such act. What is essential in commission of such crime is the presence of the accused persons at the spot or committing or aiding such crime. Prima-facie record shows that as per case of

prosecution, except for the 04 persons, including present applicant, presence of the fifth person is not established. It is sought to be claimed that Bablu was present at Ghodbundar at auto-rickshaw which actually belongs to the present applicant. Moreover evidence on record does not indicate that he aided the commission of crime. in any manner. The subsequent recovery of stolen ornaments from him would not lead to conclusion that he actually participated in the crime of robbery. However, it is pertinent to note that admittedly he was not present at any place nearby to the shop where dacoity is committed. But he was present at two and half kilometers of the said place. This Court finds *prima facie* substance in the contention counsel for the applicant that offence which could get attracted against the applicant is punishable under section 392 of the I.P.C. This offence prescribes maximum sentence of 10 years, and applicant has already undergone half of the sentence as he is in jail period of 05 Years and 02 months.

6. In so far the contention of the learned APP with regard to the continuation trial is concerned till date 05 witnesses are examined is concerned it is pertinent to note that in all 98 witnesses are going to be examined by prosecution. This Court therefore, finds no justification to deny bail to the applicant once

prima facie findings are recorded that this could be a case of prosecution offence punishable under Sections 392 I.P.C. and not under Section 395 and that he has already undergone half of sentence. Furthermore, record indicates that the offence has been registered against the present applicant, but it is said to have been committed after registration of crime in question. In such circumstances by imposing appropriate conditions, he can be enlarged on bail.

7. Hence, following order:-

ORDER

- (a) Application stands allowed.
- (b) The applicant shall be released on bail in C.R. No.I-14 of 2021 registered at Nayanagar Police Station, on furnishing PR. Bond of Rs. 50,000/- and one or two local sureties in the like amount to the satisfaction of the Trial Court.
- (c) The applicant shall attend the office of the concerned Police Station once in a fortnight between 10:00 a.m. to 12:00 noon, for a period of a year.

- (d) Upon release, the applicant shall inform the Investigating Officer as well as the Trial Court about his contact number and residential address and update the same in case of any change.
 - (e) The applicant shall not tamper with the evidence in any manner. He shall not influence the informant, witnesses or any other persons concerned with the case.
 - (f) The applicant shall attend the proceedings before the Trial Court on every date, unless exempted.
8. The above observations are prima-facie in nature and won't bind parties or Court during trial.
9. The application stands disposed of.

R. M. JOSHI, J.