



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (BA) NO.818 OF 2024

(Shoaib Wajid Khan Pathan Vs. State of Maharashtra)

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. M.P. Khajanchi, Advocate for the applicant.
Mr. U.R. Phasate, APP for the State.

CORAM:- URMILA JOSHI-PHALKE, J.
DATED :- SEPTEMBER 12, 2024.

By this application, the applicant is seeking bail as the applicant came to be arrested on 06/08/2024 in connection with Crime No.314/2024 registered with Police Station Mul, District Chandrapur for the offence punishable under Section 311 of the Bharatiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of report lodged by Pankaj Suresh Jumde alleging that he runs a grocery shop at Mul. He purchased grocery articles from Kagaj Nagar, Telangana. He knows the co-accused along with the present applicant as they are resident of the same ward. The complainant and his friend had taken the car of one Vivek Khobragade on 04/08/2024 on rent and they had gone to purchase groceries at said Kagaj Nagar and when they were returning they were intercepted by one white color Ertiga car. Six accused along with the present applicant get down from the said car, assaulted them and

committed the robbery by snatching the amount as well as the mobile phones. On the basis of the said report, police have registered the crime against the present applicant.

3. Learned Counsel for the applicant submitted that as far as the role of the present applicant is concerned it is only to the extent of removing the mobile phones from the pocket of the informant and his friend Vivek. Now both the mobile phones are recovered. The investigation is practically completed though charge-sheet is not filed, further incarceration of the applicant is not required. In view of that, he be released on bail.

4. Learned APP strongly opposed the said application and submitted that the applicant was member of unlawful assembly and in furtherance of their common object, they have committed the said offence. The investigation is still in progress. Hence, the application deserves to be rejected.

5. I have heard learned Counsel for both the parties. Perused the FIR and the investigation papers from which it reveals that the role attributed to the present applicant is to the extent of snatching of the mobile phones from the informant and his friend. Both the mobile phones are now recovered. As far as further incarceration is concerned which is not required. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

(i) The application is allowed.

(ii) The applicant – Shoaib Wajid Khan Pathan in connection with Crime No.314/2024 registered with Police Station Mul, District Chandrapur for the offence punishable under Section 311 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on executing a P.R.Bond in the sum of Rs.25,000/- with one solvent surety, in the like amount.

(iii) The applicant shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.

(v) The applicant shall not enter into the vicinity of Mul, District Chandrapur till culmination of the trial.

6. The application is disposed of.

(URMILA JOSHI-PHALKE, J.)