



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (BA) NO. 962 OF 2024

Sachin Shriram Lakade and another. 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. B.B. Pantawane, counsel for the applicants.

Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 21/10/2024.

1. By this application, the applicants are seeking bail as the applicants 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 a 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 applicants, as they are residents 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-colored Ertiga car. Six accused, along with the present applicants, 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 applicants.

3. Learned counsel for the applicants submitted that, as far as the role of the present applicants is concerned, nothing is recovered from him. The mobile phones are recovered from the co-accused, and the investigation is practically completed, though charge-sheet is not filed, further incarceration of the applicant is not required. The accused from whom the mobile phones were recovered is also released on bail. In view of that, the application deserves to be allowed.

4. The learned APP strongly opposed the said application on the ground that the applicants were members of an unlawful assembly, and in furtherance of a common object, they have committed the offence. Some of the accused are still absconding, thus, if the present applicant is released on bail, he would abscond and not be available for trial. In view of that, the application deserves to be rejected.

5. After hearing both sides and on perusal of the FIR and the investigation papers, which reveals that the role attributed to the present applicants is lesser than the applicant, who is already released on bail. As far as the abscondance of other accused is concerned, and due to their abscondance, present applicants cannot get behind bars. Nothing is recovered from the present applicants. In view of that, the application deserves to be allowed. Accordingly, I proceed to pass the following order:

- a] The criminal application is allowed.
- b] The applicants ***(1) Sachin Shriram Lakade and (2) Ganesh Manohar Chavan***, are hereby released on bail 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, on executing P.R. Bond of Rs. 25,000/- each with one solvent surety in the like amount.
- c] The applicants shall attend the proceedings before the trial Court without seeking any exemption unless there are exceptional circumstances.
- d] The applicants shall not directly or indirectly make any inducement and threat or promise to any person acquainted with the facts of the present case.
- e] The applicants shall not enter into the vicinity of Mul, District Chandrapur till culmination of the trial.

The criminal application is ***disposed of.***

[URMILA JOSHI-PHALKE, J.]