

Prasad Rajput

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 1095 OF 2025

Naresh Kivaraj Rathod and Anr.	.. Applicants
Versus	
State Of Maharashtra	.. Respondent

CRIMINAL BAIL APPLICATION NO. 1103 OF 2025

Vinod Shamrao Achalkhamb	.. Applicants
Versus	
State Of Maharashtra	.. Respondent

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- Mr. Santosh M. Deshpande, Advocate for Applicants.
 - Mr. Hitendra J. Dedhia, APP for State in BA No. 1095 of 2025.
 - Ms. Rajeshree V. Newton, APP for State in BA No. 1103 of 2025.
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CORAM : MILIND N. JADHAV, J.

DATE : MARCH 13, 2025

P. C.:

1. Heard Mr. Deshpande, learned Advocate for Applicants; Mr. Dedhia, learned APP for State in BA No.1095 of 2025 and Ms. Newton, learned APP for State in BA No. 1103 of 2025.

2. Applicants namely Naresh, Chhagan and Vinod are arrayed as Accused No.3, Accused No.4 and Accused No.7 respectively. There are total 15 accused involved in the present crime. 12 of the co-accused have already been enlarged on bail, some of which have got default bail. At present Accused No.3, Accused No.4 and Accused No.7

are in jail. Applicants are indicted in an offence punishable under Section 394 r/w 34 of the Indian Penal Code, 1860. they were arrested on 03.09.2023.

3. According to the prosecution case Accused persons namely Accused Nos.1, 2 and 7 came on motorcycle and snatched two bags which contained 75 lakhs in cash from the First Informant and his companion which they were about to deliver. They were also threatened at knife's point at that time.

4. Learned Advocate for Applicant would inform the Court that though MCOC charges were charged, but subsequently they were dropped. The role attributed to the Applicants is required to be ascertained from the chargesheet which is filed but it is *prima facie* seen that there is no role attributed to the present Applicants, save and except the fact that they are friends with some of the other co-accused persons who carried out the crime.

5. Mr. Dedhia and Ms. Newton, learned APPs would persuade the Court to grant some time to take appropriate instructions about the role of the Applicant. Time is granted to apprise the Court about the precise role of the Accused persons and inform the Court as to whether they conspired in the crime and to what extent, whether they were recipients of any property out of the crime proceeds or

whether they were instrumental harbouring co-accused persons who carried out the crime. If the prosecution is unable to show the nexus of the Applicants to the crime in question, then Applicants would be entitled for bail.

6. After hearing learned APPs on the next adjourned date above captioned Bail Applications shall be determined.

7. Let the above captioned Applications be tagged and listed together on **2nd April, 2025**. To be listed on the '**Supplementary Board**'.

ER. Rajput

[MILIND N. JADHAV, J.]