

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

Bail Application No.2691 of 2025

Prakash Tanaji Wagh

Age 26, Occ : Labour,

R/o. Wakhari, Tal. Deola,

Dist.- Nashik.

At present in Jail Nashik Road

Central Prison.

... Applicant

Versus

The State of Maharashtra

through Satana Police Station.

...Respondent

Mr Ranjit Jadhav (through VC) a/w Ms Padmavati Vaishya, for
the Applicant.

Mr S S Pednekar, APP, for Respondent / State.

Coram: R.N. Laddha, J.

Date: 26 September 2025

P.C.:

By this application, the applicant (accused No.1) seeks bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with CR No.415 of 2024, registered at Satana Police Station, Nashik Rural, for the offences punishable under Sections 399 and 402 of the Indian Penal Code.

2. It is the case of the prosecution that on 2 June 2024, while discharging routine patrolling duties in the vicinity of the

Dhondeshwar Naka, Satana, the informant police personnel observed two motorcycles being driven at an unusually high speed. Upon signalling the riders to a halt, they disregarded the command and proceeded to flee in the direction of Nampur Road. A pursuit ensued, identified as a Hero Ignitor, and was intercepted near Koregaon. The three individuals riding said motorcycle abandoned the vehicle and attempted to abscond. One of them, identified as the present applicant, was apprehended at the scene, while the remaining suspects, including the riders of the second motorcycle, managed to escape. Upon search and seizure, a bag was recovered from the possession of the applicant, which contained implements commonly associated with the commission of dacoity, namely- one axe, four hacksaws, one *girmit* (auger), one *tommy* (crowbar), one plier, a white sack, and a packet of red chilli powder. Additionally, a Samsung mobile phone and the motorcycle-bearing effaced engine and chassis numbers were seized. The prosecution contends that these articles are indicative of preparatory acts for the commission of dacoity.

3. The learned Counsel appearing on behalf of the applicant, asserting the applicant's innocence, submits that the applicant has been falsely implicated in the crime. It is contended that the essential ingredients constituting the offence of preparation and

assembling for the purpose of committing dacoity are not satisfied. The mere act of riding a motorcycle behind another motorcycle with the same velocity would not amount to preparing or going for conjointly committing dacoity. The learned Counsel further submits that the applicant is a labourer engaged in grape cultivation and thus had related tools on his person. Furthermore, as the applicant would reside at the farm, he carried red chilli powder with him to cook curries.

4. The learned Counsel further submits that the co-accused have already been released on bail. The applicant has been languishing in jail since 2 July 2024. The investigation has reached its conclusion, culminating in a charge sheet. There is nothing to be recovered or discovered from the applicant. The applicant has roots in society and is not a flight risk. Furthermore, the applicant has no criminal antecedents and no purpose would be served by keeping him in custody, especially since the trial has not yet commenced. The applicant is willing to abide by any conditions set forth by this Court.

5. On the other hand, the learned Additional Public Prosecutor representing the respondent-State, strongly opposes the applicant's plea for bail. He submits that the circumstances, including the fact that two motorcycles were driven at the same high speed and the violation of halting despite police direction,

coupled with the recovery of articles used for the purpose of committing dacoity, *prima facie* indicate the *mens rea* for the commission of the offence. Out of the five accused, four fled the spot when the applicant was apprehended. The learned APP further submits that the offence is of a grave and serious nature. He expresses concerns about potential evidence tampering and witness influence.

6. Upon perusing the records, more particularly the informant's statement, it appears that the informant, along with a Police Constable Koli, was assigned to patrolling duty. It is stated that around 16:30 hrs on 2 July 2024, they encountered the applicant and the co-accused, who failed to stop, and subsequently chased them. According to the version contained in this statement, the alleged incident occurred at 16:30 hrs., however, the FIR registered on 3 July 2024 reflects the time of the incident as 18:30 hrs., revealing a material inconsistency in the prosecution's narrative. Furthermore, the statement of Police Constable Koli, who was present at the time of the alleged incident, has not been recorded. The record is devoid of any independent witnesses, and all witnesses cited are police personnel. The investigation has concluded, and the charge sheet has been filed. The applicant was languishing in jail since 3 July 2024, and no substantive progress has been made in the

trial proceedings.

7. Considering the nature of the allegations, the absence of necessity for custodial interrogation, the release of the co-accused on bail, the applicant's prolonged incarceration, and the lack of trial advancement, this Court is of the view that the applicant is entitled to be released on bail. Hence, the following order :

ORDER

(i) The applicant shall be released on bail in connection with CR No.415 of 2024, registered at Satana Police Station, Nashik Rural, upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant, himself or through any other person, shall not tamper with the evidence or influence witnesses.

(iii) The applicant shall regularly attend and cooperate with the trial Court for the expeditious disposal of the case.

8. The application stands disposed of accordingly.

[R.N. Laddha, J.]