



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

CRIMINAL APPLICATION (BA) NO. 630 OF 2025

(Prashant s/o Mohan Sangole and another vs. State of Maharashtra through PSO PS Korchi
District Gadchiroli)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.V.Sirpurkar, Advocate for applicant.
Ms.Trupti Udeshi, APP for respondent-State.

CORAM : VRUSHALI V. JOSHI, J.

DATE : SEPTEMBER 15, 2025

1) The applicants are arrested in Crime No.43/2025 for the offence punishable under Section 347, 365, 395 and 435 of the Indian Penal Code, 1860 so also under Sections 3 and 5 of the Arms Act, 1959 registered with Police Station Korchi, District Gadchiroli.

2) It is the case of the prosecution that on 27/05/2024 the first informant had lodged the FIR stating that the offence of dakaiti and kidnapping were committed at the hands of applicants. The first informant was travelling in his Ertiga car, on the way 7 to 8 persons blocked his road by white Tata Sumo vehicle. They were having weapons in their hand. All those were holding a pistol and riffle like weapon. The accused persons snatched the amount of Rs.1,20,000/- from the informant and his driver and they were blind folded with black cloth. The robbers were compelled the informant and driver to sit in their vehicle Tata Sumo; burned the Ertiga car and destroyed it completely.

3) Learned counsel for applicant has stated that the incident took place on 26/05/2024 and the FIR was lodged on 27/05/2024. He further submitted that the FIR was against the

unknown persons. The T.I. Parade was conducted after 45 days. The Toy Gun is recovered from the applicants. This is not a case of dakaiti and there is no any injury to the victims; there is no assault. Total 15 persons are arraigned as an accused in this case, but out of them 4 to 5 accused persons were already released on bail. One of the accused had filed anticipatory bail application, which was rejected. The applicants have clean antecedents.

4) Learned counsel for the applicants has relied upon the judgments of the Hon'ble Apex Court in the case of ***Gireesan Nair and others vs. State of Kerala*** reported in ***(2023) 1 SCC 180*** and ***Md.Sajjad Alias Raju Alias Salim vs. State of West Bengal*** reported in ***(2017) 11 SCC 150*** on the ground of delay in T.I. Parade, and submitted that there is 45 days delay in T.I. Parade. As the applicants were in jail since one year and the Toy Gun is recovered, the applicants are entitled to be released on bail.

5) Learned APP opposed the present application stating that the scented tobacco was replaced by these applicants and plane tobacco was filled up and thereafter Ertiga car was burnt. Though the Toy Gun was used in offence, the fear of the weapon was in the minds of the victims. The victims were not known that it was the Toy Gun. The applicants had been identified by the informant and the driver. This is a case of dakaiti, as they snatched an amount of Rs.1,20,000/- at the point of a pistol, which was not known to the victims that it was a Toy Gun. Therefore, prayed for rejection of the present application.

6) Heard learned counsel for both parties. The applicants are in jail since last one year. About 4 to 5 accused

persons were already released on bail. Learned APP has made submission that the anticipatory bail application of one of the accused was rejected by this Court. The Toy Gun was recovered and Identification Parade is conducted after 45 days with an observation about delay in T.I. parade. The FIR is against the unknown persons. Considering the nature of offence, I deem it appropriate to allow the application in the following terms and conditions :-

- i) Criminal application is allowed.
 - ii) Applicants-(i) **Prashant S/o Mohan Sangole** and (ii) **Lokesh @ Surya Hansaraj Nagare** be released on bail in Crime No.43/2024, registered with Police Station Korchi, District Gadchiroli for the offence punishable under Sections 347, 365, 395 and 435 of the Indian Penal Code, 1860 so also under Sections 3 and 5 of the Arms Act, 1959 on their furnishing P.R. Bond in the sum of Rs. 25,000/- each (Rupees Twenty Five Thousand only) with one surety in the like amount.
 - iii) The applicants shall not in any way tamper with the prosecution evidence.
 - iv) The applicants shall not pressurise or threaten the prosecution witnesses.
 - v) The applicants shall co-operate with the Investigating Agency.
- 7) The application is disposed of in the above terms.

(VRUSHALI V. JOSHI, J.)