

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CRIMINAL APPLICATION NO. 731 OF 2025

Sanjay @ Jawai s/o Yadavrao Chavhan

..vs..

State of Maharashtra

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri R.A. Biranaware , Advocate for the applicant.

Shri A.G. Mate, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 16.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.29 of 2024 registered with the Hingna Police Station, Nagpur City for the offence punishable under Sections 294, 342, 397, 395, 427, 506(2), 120B, 201 of the Indian Penal Code read with Sections 3, 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act.

3. Initially, the informant has lodged the report against unknown persons. It was alleged that on 30.01.2024 when the informant with his friend were going to Nashik by four wheeler via Samruddhi Highway, that time at night one Innova vehicle gave dash to his vehicle and at the same time, one another white color swift vehicle came in front of his vehicle and stopped his way. Two to three persons came out from the vehicle and gave threats, beat the informant and his friend, and on the gun point accused persons forcefully snatched 4 mobile phones and Rs.4,38,23,000/- and ran away from the spot of incident. Therefore the report was lodged

against unknown persons.

4. Learned Counsel for the applicant submits that only incriminating circumstance against the applicant is the CDR report. However, apart from this, there is no clinching or incriminating circumstance against the applicant. Only because co-accused has taken his name on that basis the applicant has been arraigned as an accused. So far as the statement of the co-accused is concerned, as per settled principle of law it is not admissible, therefore, the applicant prayed to be enlarged on bail.

5. On the other hand, learned APP vehemently opposes the application on the ground that the circumstance in the nature of CDR reports are already part and parcel of the charge-sheet and the present applicant was in constant touch with the main accused. The applicant has also been identified in the test identification parade by the informant. Even the co-accused has named the present applicant. He was part and parcel in hatching conspiracy and therefore, the applicant does not deserve to be enlarged on bail.

6. I have heard the rival submission and perused the record. Initially, the offense was lodged against the unknown persons under Sections 294, 342, 397, 395, 427, 506(2), 120B, 201 of the Indian Penal Code read with Sections 3, 4, 25 of the Arms Act and Section 135 of the Maharashtra Police Act. Later on, the applicant has been arraigned as an accused on the basis of the statement of co-accused namely Rahul Jadhav. As per

settled principle of law, such statement is not admissible in evidence. Another circumstance is in the nature of CDR report, however there is no further material apart from this. Therefore, considering the fact that the investigation is complete and charge-sheet has been filed and the accused is in jail since 13.02.2024, I am inclined to enlarge the applicant on bail. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Sanjay @ Jawai s/o Yadavrao Chavhan in connection with Crime No.29 of 2024 registered with the Hingna Police Station, Nagpur City be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (d) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (e) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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