

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

CRIMINAL APPLICATION (BA) NO. 1344/2025

(Vitthal S/o Vishram Hazare 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

 Mr. O.a. Ghare, Advocate for applicant.
 Ms. S. Haider, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 08/01/2026.

Heard the learned counsel for the applicant and
 the learned APP for non-applicant/State.

2. The present application is being filed under Section 483 of the Bharitya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in connection with Crime No.63/2025 registered with Washim City Police Station for the offence punishable under Sections 309(6), 310(2) (5) and 311 of the Bhartiya Nyaya Sanhita, 2023 ("BNS").

3. The present applicant is the informant who has registered the First Information Report alleging that while he was carrying the cash amount of Rs. 1,15,00,000/- belonging to his employee which was collected by him from the Bank as well as other persons, he along with another person Mr. Bais who accompanied the applicant were attacked on the fly-over crossing Patani Chowk, Ambedkar Chowk, Pusad Naka and Hingoli Naka, by two persons riding on a motorcycle with an iron rod. The informant was talking on the phone and Bais was having

aforementioned the bag of money. Thereafter, the assailants kicked the motorcycle and fell on the ground. The applicant after falling on the ground, took the bag of money towards him which was snatched by the assailants. When the applicant twisted the snatching of the bag having cash of Rs. 1,15,00,000/-, he was attacked with a knife on both of his hands, left shoulder and left thigh. Thereafter, the assailants ran away with the bag of money. Based on these allegations, the FIR was registered by the present applicant against unknown persons. However, during investigation, it transpired that the informant was also involved in the said crime and therefore after completing the investigation and collecting sufficient material, charge-sheet came to be filed on 13.03.2025. The applicant was arrested on 13.01.2025.

4. The learned counsel appearing for the applicant submits that merely on the basis of the CDR report, the detention of the present applicant cannot sustain. There are no other incriminating circumstances including recovery at the behest of the present applicant, in-fact it is applicant who has given the information. He submits that now the charge-sheet is filed and one does not know when the trial would be commenced or concluded and therefore further custody of the applicant is not required as the charge-sheet is filed and the applicant is in Jail since 13.01.2025.

5. On the other hand, the learned APP vehemently submits that the present applicant is the main accused who

has hatched conspiracy. He was in constant touch with the other accused persons which can be gathered from the CDR report. She further submits that though the charge-sheet is filed, however the offence is of serious nature and there is sufficient material against the present applicant, therefore she prayed that considering the nature of offence and the amount involved in the offence, the applicant does not deserve to be enlarged on bail.

6. Upon careful perusal of the record and after considering the argument of both the parties, it appears that informant has registered the FIR. During investigation, it transpired that the applicant is also involved in the crime and therefore, he was arrested on 13.01.2025. However, the fact also remains that the applicant sustained serious injuries. After completing the investigation, charge-sheet, came to be filed and therefore, considering the above factual background, one does not know when the trial would be commenced or completed. No doubt there is evidence in the nature of CDR report about involvement of the present applicant in the crime. However, in my opinion when the entire material is collected by the Investigating Officer and therefore no further custody is required, under such circumstances, it would not be desirable to continue detention of the applicant. Considering the above facts and circumstances, this Court is inclined to grant the bail, hence the following order:-

ORDER

(I) Application is allowed.

(II) The applicant be released on bail in connection with Crime No.63/2025 registered with Washim City Police Station for the offence punishable under Sections 309(6), 310(2)(5), 311 of the Bhartiya Nyaya Sanhita, 2023 on furnishing PR Bond of Rs. 50,000/- with two solvent sureties in the like amount.

(III) The applicant shall not tamper with the evidence. He shall not contact either directly or indirectly any witnesses who are concerned with the case.

(IV) The applicant shall attend the trial on regular basis. In case two defaults are made by the applicant, the State is at liberty to file the application for cancellation of bail

7. Application is disposed of.

(M. M. NERLIKAR, J.)