



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

CRIMINAL APPLICATION [BA] NO. 37 OF 2026.

- 1.Sachin Bhagwan Garad.
- 2.Vijay Dagdu Garad
- 3.Ashok Vitthalrao Bhosale

-VERSUS-

State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M.P. Ladhe, Advocate for Applicants.
Ms S. Haider, A.P.P. for the Non-applicant /State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 28, 2026.

Heard.

2. Applicants came to be arrested in connection with Crime No.171/2025 registered with Varthi Police Station, District Bhandara for the offence punishable under Sections 3[5] and 303[2] of the Bhartiya Nyaya Sanhita (BNS).

3. The informant – Ganesh Chindalore has lodged the report alleging that he is working as a Security Guard in Rajnandgaon Private Limited Company, wherein taking advantage of night hours some 4 unidentified persons aged 25 to 30 years have

committed theft of 100 kgs of copper wire amounting to Rs.70000/-. On the basis of this information, the first information came to be registered.

4. The learned Counsel for applicants submits that the co-accused in the crime has taken name of the present applicants. Infact even after that there is no material against the applicants in order to connect them with the present crime.

5. On the other hand, the learned A.P.P. opposes the application and submits that there is ample evidence against the applicants, however, charge sheet is yet to be filed as investigation is going on, and therefore, at this stage the applicants cannot be released on bail.

6. I have considered the rival submission of the parties and perused the material on record placed by the learned A.P.P. It appears that the statement of co-accused was recorded and he has named the present applicants. Even after taking name of the present applicants, from the investigation papers it appears that no material is collected by the investigating officer to connect the present applicants with the aforesaid crime. It is a settled position of law, that the statement of the co-accused implicating another is not

admissible. Further there are no antecedents are alleged against the applicants. In view of above, I am inclined to grant bail to the applicants. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants /accused [1] Sachin Bhagwan Garad [2]Vijay Dagdu Garad and [3] Ashok Vitthalrao Bhosale be released on regular bail in connection with Crime No.171/2025 2025 registered with Varthi Police Station, District Bhandara for the offence punishable under Sections 3[5] and 303[2] of the Bhartiya Nyaya Sanhita (BNS) on their furnishing P.R. Bond of Rs.25,000/- each with one surety in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused 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.
- (v) The accused shall provide their residential address and cell number to Police Station concerned and shall not change their place of

residence without prior intimation to the Investigating Agency.

- (vi) The accused shall attend the concerned police station twice in a month i.e. on Monday, between 10 a.m. to 2 p.m. till the trial commences, and further shall attend each and every date of trial regularly. If they fail to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE