



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

CRIMINAL APPLICATION [B.A.] NO. 79 OF 2026

Abdul Naved S/o. Abdul Javed

-- VERSUS --

The 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. D.M. Dixit, Advocate a/w. Mr. Jasprit Singh Chilotra,
Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 25, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.680/2025 for the offence punishable under Sections 309(6), 310, 311, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 3, 25 and 27 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951, registered with Police Station Jaripatka, District Nagpur.

3. As per the First Information Report, which is lodged by Shruti Dipani, her husband, Rajiv Dipani, a wholesale grain merchant, was returning home on his Activa scooter after closing his office and was carrying cash of approximately Rs. 50,00,000/- in a bag. It is alleged that near Opal Sheraton

Apartment, on the road from Bezonbagh to Kadbi Chowk, two unknown persons on a motorcycle intercepted him. One of them allegedly sprayed a substance towards his face and attempted to snatch the bag. During the incident, shots were fired, and one bullet struck him on the back, causing serious injuries. The assailants allegedly fled with the bag carrying cash. The injured was initially taken to a private hospital and thereafter shifted to another hospital for further treatment. On the basis of these allegations, the F.I.R. was registered against unknown persons.

4. The learned counsel appearing for the applicant submits that the only incriminating circumstance against the applicant is the call record details. He submits that he was in touch with accused – Jishan and accused – Hussain. As the applicant had taken Rs.20,000/- from Javed Hussain, therefore, they were threatening the applicant continuously compelling him to pay the amount. He further submits that apart from this, there is nothing in the charge-sheet to connect the present applicant with the crime. The applicant is the auto driver and, therefore, he is plying his auto on the road from one place to another and, therefore, the allegations that the applicant has given information about the movement of victim - Rajiv Dipani from whom the

other accused persons have looted the amount of Rs.50,00,000/-, is baseless and no material is available on record to connect the present applicant with the crime. Therefore, as the applicant is in jail since 16/09/2025, he be released on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application. He submits that the applicant is in contact with the accused – Javed Hussain since 08/09/2025. Even on the day of incident, there are three calls between the applicant and co-accused - Javed Hussain, i.e., at about 17:20 p.m., 17:25 p.m., and 17:28 p.m. He further submits that there are also calls between applicant and another co-accused – Jishan, wherein there are 10 calls between them from 20:27 p.m. to 21:10 p.m. According to the learned A.P.P., and considering the defence of the accused that he was to pay Rs.20,000/- to Javed Sheikh cannot be believed, on the contrary, he has given the details about movement of victim Rajiv Dipani. He further submits that there are serious allegations against other co-accused and it is on the tip of the present applicant that the other accused intercepted the victim and snatched Rs.50,00,000/- from him, and therefore, he prayed to reject the bail.

6. I have considered the rival submissions. Admittedly, the present applicant was involved in the

crime on the basis of the statement of co-accused - Javed Sheikh, however, that statement is inadmissible. It is further to be noted that on the day of the incident, no doubt, there were calls between the applicant and the co-accused persons, however, unless and until, the said fact is proved, that for what purpose the call was made, it appears that only on this fact the applicant cannot be put behind bar for further period. It is further to be noted that there is no material to show that the applicant was following the victim – Rajiv Dipani and he has given the movement details of Rajiv Dipani to other co-accused. Considering this fact, and the fact that the applicant is in jail since 16/09/2025 and the fact that the investigation is over and charge-sheet is filed, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Abdul Naved S/o. Abdul Javed) be released on regular bail in connection with Crime No.680/2025 for the offence punishable under Sections 309(6), 310, 311, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 3, 25 and 27 of the Arms Act, 1959, and Section 135 of

the Maharashtra Police Act, 1951, registered with Police Station Jaripatka, District Nagpur, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent surety in the like amount;

(iii) 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;

(iv) 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;

(v) 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

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

observations are restricted to this bail application only.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN