

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

CRIMINAL APPLICATION (BA) NO. 153/2026

(Abhi @ Abhilesh S/o Suresh Jaatav 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. C.R. Thakur, Advocate with Mr. P. Rewatkar and Mr. L.B. Kherg
Ms. T.H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 05/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 280/2023 registered with Police Station Khaparkheda, Dist. Nagpur for the offences punishable under Sections 397, 354, 354-A, 354-B, 34 of the Indian Penal Code read with Sections 3, 25 of the Arms Act.

3. Brief facts of the prosecution story is that informant namely Shruti Mahendrakumar Bavane R/o. Khaparkheda Nagpur lodged a FIR on 23.05.2023 alleging that she along with her friend decided to have dinner and accordingly the informant on her Ola electric two wheeler bearing No. MH-31/FW-7680 picked up her friend Pravin from Poonam Chamber. They both reached at Fira

Restaurant on Saoner Road at around 8.45 p.m. At around 10.15 pm., when they were on the way to Nagpur, Pravin went to answer nature's call and the informant was standing near the motor cycle, while waiting. One motor cycle having three riders came there. They approached the informant and one of them, pointed gun towards the informant. Another person caught hold of the neck of Pravin and another caught hold of the hands of informant and made demand of mobile and cash. The informant told that she did not have any money, but they snatched two mobile phones from Pravin. One of the person who was wearing a helmet demanded key of two wheeler and asked them to sit down and after that they started going away. At that time, the informant pelted stone towards them. Pravin caught hold of collar of one of them and pulled him down. One unknown person took out gun and fired towards Pravin who received gunshot on leg. The informant resisted and therefore one of them assaulted the informant and Pravin on their head by gun. The informant however pulled helmet of one of them, but all three fled on the motor cycle. Bleeding injury was caused to the informant and Pravin. Thereafter, they managed to go to

Koradi Police Station, where the informant gave detailed description of all three unknown persons in the report.

4. The learned counsel appearing for the applicant submits that the FIR was registered against unknown person by one Shruti on 23/05/2023. He submit that the applicant was arrested in one of the crime i.e. Crime No 06/2024 on 05/07/2024 for the offence punishable under Sections 394 read with Section 34 of the Indian Penal Code and Sections 11 and 13 of the Madhya Pradesh Dakaiti Aur Vyapharan Prabhavit Kshetra Adhiniyam, 1981 registered at Lahar Police Station, District Hind, Madhya Pradesh where the applicant had disclosed that he has committed an offence at Khaparkheda Police Station also communication was received by the Khaparkheda Nagpur Police Station and accordingly the applicant was taken into custody in this crime. He submits that applicant is behind bar since 30/07/2024. So far as the offence which is registered in Madhya Pradesh is concerned, he was granted bail by the High Court and in the present case is, there is no evidence connecting the present applicant to the crime as the FIR was registered against unknown persons. The Test Identification Parade ("TI Parade") was carried in the

police station, which is not as per the criminal manual, therefore it is inadmissible. He submits that absolutely there is no evidence against the present applicant in order to connect the applicant with the present crime, therefore considering the fact that the applicant is behind bar since 30/07/2024, the applicant may be released on bail as the investigation is over and charge-sheet is filed.

5. On the other hand the learned APP vehemently opposes the application and submits that admittedly the FIR was registered against unknown persons. It is only after the receipt of the information from the Lahar Police Station, Madhya Pradesh that the Investigating Agency has taken the custody of the applicant and others. She vehemently submits that the applicant was identified by both complainant and her boyfriend. Whether the TI Parade was carried as per criminal manual or not, is a part of trial and while granting bail, this cannot be considered. According to her the fact remains that the applicant along with others have been identified by both complainant and her boyfriend. She further submits that the stolen mobile which was alleged in the FIR was seized from one of the accused namely Ashok Kumar Ramesh Prajapati. The

applicant and others are working together in organized manner and they are habitual offenders committing crimes which are harmful to society. Not only that, they are using gun arms while committing said crimes and therefore according to her, the applicant does not deserve to be granted bail. She further submits that the seizure of gun and live cartridges from the applicant already done by the Madhya Pradesh police.

6. I have considered the rival submissions. Admittedly, it appears from the record that the present FIR was registered on 23/5/2023, against unknown person. However, thereafter it appears that there was no progress in the investigation. It was only after receiving communication from the Lahar Police Station to the Khaparkheda Police Station the present applicant and others were arrested by Lahar Police Station, it was disclosed by the accused that they have also committed crime at Khaparkheda Police Station and accordingly they have been arrested in the present crime. From the investigation papers, it appears that the mobile was seized from the other co-accused namely Ashok Kumar, however nothing was seized from the applicant.

So far as the TI Parade is concerned, at this stage it is very difficult to believe the said TI Parade as it was carried at the police station and that too after a year registering FIR. In the investigation papers, I do not find anything adverse against the applicant. The applicant is in Jail since 30/07/2024. Though the charges are framed, however the trial has not commenced. Considering the fact that the applicant is behind bar since 30/07/2024 and the fact that the investigation is over and charge sheet is filed and further there is no concrete evidence to connect the applicant with crime, I am inclined to grant bail. Hence, the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Abhi @ Abhilesh S/o Suresh Jaatav be released on bail in connection with Crime No. 280/2023 registered with Police Station Khaparkheda, Dist. Nagpur for the offences punishable under Sections 397, 354, 354-A, 354-B, 34 of the Indian Penal Code read with Sections 3, 25 of the Arms Act on his furnishing P.R. Bond of Rs. 25,000/- with two sureties in the like amount i.e. one local surety and another having permanent address in Diholi, Tah. Rajakheda, Dist. Dhoulpur, Rajasthan.
- (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 local residential address and cell number as well as permanent residential address to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)

Gohane