



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

CRIMINAL APPLICATION [B.A.] NO. 211 OF 2026

Rahul s/o Ganesh Patil

-- VERSUS --

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. R.M. Daga, Advocate a/w. Ms. F.N. Haidari, Advocate for
the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 13, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.311/2025 for the offence punishable under Sections 309(4), 309(6), 118(1), 324(2), 3(5) and 61(2)(A) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Aroli, District Nagpur.

3. As per the First Information Report, the complainant is engaged in the business of groceries under the name *Bharat Kirana Stores* at Bhandara and supplies grocery items to shopkeepers in nearby villages by using an Ashok Leyland goods vehicle bearing registration No. MH-36-AA-2325, which is driven by Rahul Ganesh Patil. It is stated that on 10/10/2025 at about 2:00 p.m., the informant along

with the driver left Bhandara to deliver grocery goods and collect payments from various shopkeepers in nearby villages. After completing deliveries and collections at different places, the complainant reached Dharmapuri at about 6:45 p.m. and kept the collected cash of approximately Rs.2,40,000/- along with the diary containing entries of the amounts in a cloth bag. The F.I.R. further states that at about 7:00 p.m., while returning towards Bhandara, the vehicle stopped on the Aroli-Bhandara road near Dharmapuri. At that time, three unknown persons allegedly arrived on a white coloured moped, broke the conductor-side window of the vehicle with an iron rod and forcibly took away the cloth bag containing the cash. It is further stated that when the informant and his driver attempted to resist, they were assaulted with iron rods and the said persons fled from the spot with the cash. Based on this information, F.I.R. came to be lodged.

4. The learned counsel appearing for the applicant submits that the present applicant is the driver, who was driving the vehicle of the informant. The informant is doing business of groceries and after distributing the grocery items in the market, has collected the amount and while returning back along with the applicant at one place from Dharmapuri to Bhandara near Aroli village, the vehicle broke down,

at that time, 3 unknown persons came on bike and looted amount of Rs.2,40,000/- from the informant. The learned counsel submits that they have assaulted not only the informant, but also the applicant. He has invited my attention to the injury certificate. He further submits that during investigating a forced confession of the applicant was recorded, wherein he has disclosed that he is involved in the crime and has given a tip, and accordingly, he submits that, except this, there is nothing on record against the present applicant and, therefore, he be released on bail.

5. On the other hand, the learned A.P.P. submits that the applicant is the main culprit, who has given tip to the 2 unknown persons. However, he fairly submits that the call detail reports are not part and parcel of the charge-sheet, as those CDR reports are yet to be received. He further submits that the vehicle did not break down which could be gathered from the certificate issued by the private surveyor. He further submits that though the applicant received one simple injury, that by itself, is not sufficient to say that the applicant is not involved in the present crime. During the investigating, he has voluntarily given the statement stating that he has given tip to the other accused persons and, therefore, according to the learned A.P.P., as the punishment provided is up

to 14 years, as the offence is committed after sunset, the applicant does not deserve to be granted bail.

6. I have heard the learned counsel for the applicant and the learned A.P.P. Admittedly, the robbery is after sunset. It further appears that almost Rs.2,40,000/- were robbed from the informant by three unknown persons. It further appears that the applicant under the pretext that the vehicle has broken down, stopped the vehicle, however, the learned A.P.P. has argued from the certificate which was issued by the private surveyor that the same was false. No explanation why certificate of fitness of vehicle was not obtained from RTO. Further, it appears from the record, that the applicant has also sustained injury in the said incident. Apart from the statement of the applicant, and the report of private surveyor, there is nothing on record to show the link between the main culprit and the present applicant. No CDR reports are placed on record to connect the main culprits with the present applicant. It is further to be noted that the entire amount was recovered from the other accused persons and not from the present applicant. Even two iron rods were recovered from the other co-accused. It is further to be noted that this is the first offence registered against the applicant and there are no antecedents against the applicant. Considering this fact, and the fact that the

applicant is behind bars since 12/10/2025, 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 (Rahul s/o Ganesh Patil) be released on regular bail in connection with Crime No.311/2025 for the offence punishable under Sections 309(4), 309(6), 118(1), 324(2), 3(5) and 61(2)(A) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Aroli, District Nagpur, on his furnishing a PR. 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 the concerned Police Station 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]