

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

CRIMINAL APPLICATION (BA) NO. 358/2026

(Ashish S/o. Vinod Sharma 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 for applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.662/2025 registered with Police Station Khapa, Dist. Nagpur for the offence punishable under Sections 310(2), 204,111(2), (b), 351(2), 115 of the of the Bharatiya Nyaya Sanhita ("BNS").

3. The prosecution case in brief is that the informant Ambar Hariprasad Shahu is residing at village Saorai Bazar, Tah-Mokhed, Dist-Chhindwara and dealing in a Grain and Lac selling in partnership of one Prashant Chandrabhashan Sharma under the name as a "Mahakal Trading". They used to sell their grains and lakh in market of Raipur through the goods carrier vehicle No.

MP-28/ZJ-7169. On 17/11/2025 at about 6.00 p.m, they both have loaded 30 bags the Lac worth Rs. 5 Lakh in above mentioned vehicle for taking to Raipur market. So also on the same day, he himself and his partner Prashant Sharma and one Akash Pathare were going to Raipur. The Akash was driving the vehicle. Thereafter, when they were proceeding by Parseoni road, from the diversion of village Khapa at about 11.00 p.m, to 12.00 a.m, they saw one car stationery at road and four unknown persons were standing near the car. They have given signal by raising their hands. Therefore, Akash had stopped their car. At the same time, all four persons turned towards the car quickly, one of them had taken out the key of the car and a mobile handsets of informant and his partner. They told them that they are police personnel. Thereafter, they told the informant for showing the bills of the goods. Thereafter, they took Rs.3,000/- as a challan from the informant and told him that as their goods are of number-2, they have to take it to the police station. Thereafter, they forcefully got seated to informant and his partner in their car. When informant and his partner tried to argue with them, they threatened them by their life and also slapped them. Due

to that, they afraid and seated in the car. When their car went to the distance of 150 meter, they stopped the car and remained there for about 10 to 15 minutes. Thereafter, they returned the mobile handsets of informant and his partner. Thereafter, they both rushed to the their goods carriage and saw that the 30 Lakh bags were missing from the goods carriage. When they inquired to Akash who was stopped with the goods carriage, he told them that, just after they were taken by four persons in car, one another goods carriage vehicle arrived there, two persons were stepped down from that vehicle and they threatened the Akash by his life. Thereafter, they have loaded the lac bags in that goods carriage and took it with them. Based on this, the First Information Report was lodged.

4. The learned counsel for the applicant submits that initially the offence was registered under Sections 310(2), 204 of the BNS and later on Section 111 of the BNS was added. Though the applicant was identified in the identification parade, however nothing was recovered from the applicant. There are no antecedents against the applicant and it is his first crime. Even if the allegations are taken as it is, it could be gathered that Section 111 is

not attracted. The allegation that the applicant along with others had intercepted the truck and stolen goods from the truck cannot be connected with the present applicant as the said goods were recovered from Abdul Hamid. He further submits that one of the accused who is similarly situated has been released by the Trial Court on 01/01/2026. In the said bail application, the informant has given no objection to release the said accused on bail. Therefore, he submits that he be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that at the relevant time during pendency of the investigation, accused Suraj was released on bail and Section 111 of the BNS was not invoked. She further submits that the applicant was identified in the identification parade. The applicant is involved in a serious crime of dacoity and therefore she submits that there is ample material against applicant and he should not be released on bail.

6. I have considered the rival submissions. Admittedly it appears that on 18/11/2025 the first information report was registered. It further appears that

lac of Rs. 5,00,000/- has been stolen by the applicant along with his associates. The said incident has occurred after sunset and before sunrise. After completion of investigating, Section 111 of the BNS was invoked against accused persons. The applicant was identified in the identification parade, however, the fact remains that the other accused Suraj has been released on bail by the Trial Court before filing of the charge-sheet on the basis of the affidavit given by the informant. It is further to be noted that from the crime chart, it appears that the applicant is not having any antecedents. Considering all these factors and now that the investigation is over and charge sheet is filed, merely because Section 111 of the BNS is invoked is no ground to decline the bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Ashish S/o Vinod Sharma be released on regular bail in connection with Crime No.662/2025 registered with Police Station Khapa, Dist. Nagpur for the offence punishable under Sections 310(2), 204, 111(2), (b), 351(2), 115 of the of the BNS on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) In case the applicant/accused commits further similar type of offence, the prosecuting agency/investigating agency/prosecution is at liberty to file the application for cancellation of bail in this crime.

(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 entail the State to ask for cancellation of bail.

(M. M. NERLIKAR, J.)