

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

CRIMINAL APPLICATION (BA) NO. 391/2026

(Rajesh S/o Awadhut Thombre Vs 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. P.V. Navlani, Advocate for applicant.
Mr. A. A. Madiwale, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 08/04/2026.

Heard.

2. By this application, the applicant is seeking regular bail in connection with Crime No. 550/2025 registered with Police Station Yavatmal, Dist. Yavatmal for the offence punishable under Sections 309(4), 310(2), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. Brief facts of the prosecution story are that on 13.05.2025 when informant took an amount of Rs.7,00,000/- from Head Post Office, Yavatmal to be taken to Babulgaon and kept the said amount in his two wheeler Activa (dicky) and was heading towards Karadgaon Ghat in front of Chiddawar Construction, at that time it is alleged that two unknown persons with covered faces obstructed him by showing knife and forcibly took keys of

the vehicle along with the bag of cash from him and ran away. On the basis of the said report, FIR was registered.

4. The learned counsel for the applicant submits that the applicant has not committed any offence. He submits that two persons who have looted the postmaster, their faces were masked. There is nothing on record to show that the applicant is the same person who has committed the offence. He submits that according to prosecution, two persons have robbed the postmaster and out of two, applicant is one of them. It is not clear on what basis the applicant was identified in the identification parade, when his face was masked, therefore the entire story of the prosecution is concocted. He further submits that though the recovery of knife and recovery of cash amount of Rs.3,09,000/- was made from the applicant, however it is not clear whether the postmaster was carrying the same amount which was recovered from him. He submits that without there being any identification of the amount, the applicant has been falsely implicated and even the recovery of amount from the applicant would be of no use. There is no criminal antecedent against the applicant, therefore applicant submits that he be granted bail.

5. On the other hand, the learned APP submits that the applicant and other persons namely Piyush Kawle hatched the conspiracy. In the first information report the informant disclosed that if the accused persons are brought before him, he can identify them and accordingly he identified them, therefore the investigation was carried out and on the basis of the secret information, the applicant and other co accused persons were arrested. Therefore, the most incriminating circumstance according to APP is recovery of cash amount of Rs.3,09,000/- as well as knife from the applicant. Therefore according to APP, recovery of amount and identification parade are sufficient material against the applicant. He submits that considering the seriousness of the offence, the applicant may not be released on bail

6. I have considered the rival submissions. It appears from the first information report that on 13/05/2025, the informant was carrying cash amount of Rs.7,00,000/-on his Activa moped. He collected the cash amount of Rs. 7,00,000/- from Head Post Office, Yavatmal and while going towards Babulgaon by Active, near Karadgaon Ghat, he was apprehended by the applicant and one another

unknown person. He was asked to hand over the cash. When the informant declined, they snatched the key from him and took out the said cash from dicky of Aactiva and ran away from the spot. The first information report further reveals that the unknown persons had masked their faces. During investigation, the applicant along with four other persons are implicated in the crime on secret information and accordingly the applicant was arrested. Thereafter, there was recovery of amount of Rs. 3,09,000/- along with the knife from the applicant. It is necessary to mention at this juncture that when the offence was being committed the applicant had masked his face, therefore it is very difficult to say on what basis the applicant was identified by the informant. It is to be noted that though there is recovery of cash amount, however that by itself is not sufficient. In view of the fact that there are no criminal antecedents against the applicant and further the investigation is over and charge sheet is filed, I am inclined to grant bail, hence following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Rajesh S/o. Awadhut Thombre be released on bail in connection with Crime

No. 550/2025 registered with Police Station Yavatmal City, Dist. Yavatmal for the offence punishable under Sections 309(4), 310(2), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023 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) 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.

7. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observations.

(M. M. NERLIKAR, J.)