



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

CRIMINAL APPLICATION [BA] NO. 459 OF 2026.

Manish Devidas Dhondane

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.A. Krishnan, Advocate for the Applicant.

Shri A.A. Madiwale, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MAY 04, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.10/2025 registered with Pendhari Police Station, District Gadchiroli, for the offence punishable under Sections 351[3], 118[1], 115[2], 126[2], 127[2] and 310[2] of the Bharatiya Nyaya Sanhita, 2023 (BNS).

3. The first information report came to be lodged by Avesh Kabir Sheikh alleging that on 23.04.2025 he went to Chattisgarh for purchasing grocery articles and maza along

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with his friend by a 4 wheeler. After purchasing the items worth Rs.3 lakhs when they were returning to Gadchiroli, they were accosted by a white 4 wheeler from which one person got down and called them to stop the vehicle by showing gun. His face was covered with black scarf. When the informant did not stop his vehicle, the said person brought his 4 wheeler in the middle of the road, restraining the informant from proceeding further. Some 7-8 persons came near their vehicle and whose faces were covered by cloth. They snatched keys of the vehicle, removed clothes of the informant and his friend, assaulted them and took their video. While assaulting, the accused persons threatened them of dire consequences. Thereafter all of them went in the vehicle of the informant, and parked it at some distance. They tied black cloth on informant and his friend's eyes and told them that the keys of the vehicle is somewhere around them, and they fled away. When the informant and his friend went near their vehicle, they found that the material purchased by them was taken away by the accused persons and they also took cash of Rs.83000/-, and two mobile phones, thus they took the

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articles worth Rs.4,06,000/-. Hence the report.

4. The learned Counsel for the applicant submits that there are three circumstances against the applicant as per the prosecution, that he was identified in the test identification parade by the informant, the co-accused namely Pratham and Krishna have disclosed name of the applicant and there is one another circumstance i.e. CDR report. All these three circumstances are nothing but, an eye wash. So far as the CDR reports are concerned, there are hardly 7 calls between Krishna and applicant, that too between 01.04.2025 and 22.04.2025. There are no calls on the date of incident. The prosecution is trying to bring on record that the applicant was proceeding towards the spot of incident, which could be gathered from the analysis of the mobile data. However, that by itself is not sufficient, for the reason that there is no tower location of the applicant's mobile phone at the spot of incident. So far as the test identification parade is concerned, it is alleged by the prosecution that all the accused persons were masked (their face was covered by black scarf/cloth), and therefore, when their face was covered with cloth, there is no question of three

persons identifying them. So far as the third circumstance is concerned i.e. disclosure of name of applicant by two co-accused, it is submitted that the statement was made while they were in custody and the same is not admissible in evidence. Therefore, all these circumstances are not sufficient to connect the applicant with the alleged crime. It is lastly submitted that there is no recovery from the applicant and there are no criminal antecedents. Therefore, prayer is made to release the applicant on regular bail.

5. On the other hand the learned A.P.P. vehemently opposes the application and submits that the applicant has committed serious offence of dacoity. The applicant along with his associates has taken articles worth Rs.4,06,000/- including mobile phones. There are several calls amongst all the accused persons. So far as the present applicant is concerned, his movement can be gathered from mobile location that that he was proceeding towards the spot of incident. Therefore, considering the seriousness of the crime, though there are no criminal antecedents, the applicant may not be released on bail.

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6. I have heard the rival submissions of the learned Counsel for the parties and gone through the material placed on record. Admittedly, it appears from the record that prima facie there are three circumstances which are brought to my notice. The first one is – confessional statement of the co-accused. Admittedly the said confession is not admissible in law. So far as the second circumstance is concerned, i.e. test identification parade, admittedly face of all the accused persons was covered by black scarf/cloth, in such circumstance, I wonder how the applicant was identified. So far as the last circumstance is concerned about CDR analysis, it reveals from the record that there were only 7 calls between one Krishna Kumre and present applicant from 01.04.2025 to 22.04.2025 i.e. in 22 days. On the date of incident there were no calls either by the applicant or by Krishna. Further on the date of incident, it appears that from 15.17 hours till 16.25 hours, location of the applicant is showed as proceeding towards the spot of incident, however, the exact tower location was not shown at the spot of incident. As argued by the learned A.P.P., the applicant and other co-accused have switched of the

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mobile phones, and therefore, further location after 16.25 hours could not be traced out, which might be true, however only on this ground the applicant cannot be detained further, in view of that the fact that the applicant is in jail since 25.04.2025 i.e. more than one year. Thus considering the nature of material collected by the investigating officer and the fact that the applicant is behind bars since 25.04.2025, investigation is over and charge sheet is filed, further there are no criminal antecedents, I am inclined to allow this application by releasing him on bail. Hence the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Manish Devidas Dhondane be released on regular bail in connection with Crime No.10/2025 registered with Pendhari Police Station, District Gadchiroli, for the offence punishable under Sections 351[3], 118[1], 115[2], 126[2], 127[2] and 310[2] of the Bharatiya Nyaya Sanhita, 2023 (BNS) on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.

- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) 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.
- (v) 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.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE