



Yuvraj Subhash Thorat
Vs.
State of Maharashtra

ORDER BELOW EXH.1

This bail application is filed by applicant/accused- Yuvraj Subhash Thorat to release him on anticipatory bail under Section 438 of the Code of Criminal Procedure (for short Cr.P.C.), in Crime No. 516/2023, registered at Baramati City Police Station, Baramati for offence punishable under Sections 394, 397, 341, 120B, 511 read with section 34 of The Indian Penal Code (for short I.P.C.) and Section 3/25 of the Arms Act.

2. Heard learned advocate for applicant/accused and learned A.P.P. for State. Perused the copy of FIR and police papers.

3. Under Section 438 of Cr.P.C., any person may apply for anticipatory bail apprehending arrest in non-bailable offence, which the Court may grant considering the nature and gravity of accusation, antecedents of applicant, possibility of abscondance of accused and where the accusations are made for injuring or humiliating the applicant.

4. Facts of the case are that on 07.08.2023 informant Mayur Shinde lodged report that he is serving as Manager in Krishna Petrol Pump located on Patas road. On that day at about 08.30 a.m., he started his duties by taking the accounts from the employees. Due to bank holiday on earlier two days, he collected cash amount of Rs.1,99,000/- with pay slips. At about 11.55 hours, he proceeded to Co-Operative Bank at Baramati for depositing the amount, by his motorcycle. He kept the cash amount in one bag.

After crossing the canal, when he reached near the agricultural field of one Mumbaikar, at about 12:05 hours, one black coloured Splendor motorcycle approached from rear side, ridden by two persons. They put the motorcycle across his motorcycle and stopped him. Both above persons wrapped mask on their faces. The person who was pillion rider asked him to handover the bag. The complainant tried to take his motorcycle by the side. However, suddenly the pillion rider got down from the motorcycle and came towards him starting to snatch the bag. He held the bag tight. So, the assailant assaulted on his head with the back of the pistol. They also slapped on his forehead. The assailant pulled him whereby he sustained injuries on his hands and legs. He raised shouts, so the passersby gathered. Both the assailants ran away on the motorcycle. Thereafter, people called owner of the establishment and complainant was admitted in the hospital. Investigation commenced, and the names of accused were released therein.

5. In the submissions of Ld. Advocate for the applicant-accused, the other two accused in the crime have been charge-sheeted, which is pending in the Court of J.M.F.C. and the case is yet to be committed. There is no material against present accused with identification that he assaulted the complainant and injured. Only two persons are mentioned in the report. Charge-sheet is filed against three persons. No evidence is brought against the present applicant-accused. The FIR is against unknown person. It is during investigation and arrest of two accused, the present accused is alleged to have committed the offence. Recovery is alleged to have been made from the arrested accused. Both the arrested accused have been released. Section 397 of I.P.C. is not attracted. Nothing is brought on record regarding conspiracy to commit offence by the

present accused with the other accused, or acting in furtherance of common intention. Nothing is to seized and recovered from him. Custody of the accused is not necessary. The accused is young aged person. The earlier bail application was rejected for non-appearance and without hearing. Ld. Advocate for applicant-accused submitted to released, the applicant-accused on anticipatory bail.

6. On the other hand, Ld. APP submitted that there is memorandum U/Sec.27 of The Evidence Act, wherein one of the arrested accused-Abhishek has made a statement regarding conspiracy to commit robbery on the Petrol Pump, which plan was executed with the help of present accused, who approached with another accused on the spot, and the present accused held Pistol in his hand which was hit on the head of the complainant in order to rob the amount, which was actually carried away by the accused persons. Section 394 as well as Section 397 of I.P.C. have been invoked against accused providing punishment of more than 07 years. The case is yet to be committed against the apprehended accused. Because of the abscondance of present accused, the case is not committed as supplementary charge-sheet is not filed against the present accused. Identification parade of the accused is necessary, for which he shall be taken into custody. So also, recovery is to be made from him which is not so made. Accused absconded for long time. Motorcycle used by the present accused is not yet seized. Accused has committed similar offence having antecedents against them, being C.R.No.19/2020 registered at Daund Police Station. Considering all such facts, Ld. APP submitted to reject the application.

7. The accused moved earlier bail application bearing

Cri.B.A.No.01/2026, which was rejected by order dated 09/02/2026 with the following observations :-

The allegations against accused are that he entered into conspiracy with other arrested accused, whereby amount of Rs.1,99,000/- collected from the petrol pump counter by complainant and proceeding towards Baramati, was robbed by accused persons by attacking with pistol on his head and causing injury to him. Offence as above is registered against the accused. Since last two dates, none present for the accused. The application was filed more than one month ago i.e. on 01.01.2026. After going into the details of case, it would appear that offences under Sections 394 and 397 of IPC are serious offences, in which the accused is alleged to have conspired for robbing the amount with other accused. Offence under Section 394 of IPC is punishable with maximum imprisonment of life and punishment provided for offence punishable under Section 397 of IPC is rigorous imprisonment for not less than seven years. Therefore, looking to the nature of offence, punishment provided therefor and no material brought on record to release him on anticipatory bail, the following order is passed.

8. Thus, in the above order so passed, the material on record was taken into consideration, *inter alia* that the accused robbed amount of Rs.1,99,000/- attacking the injured complainant by Pistol on head and injuring him. So also, the nature of offence and punishment provided therefor is also taken into consideration. After hearing the Ld. Advocate for accused as well as Ld. APP and perusing the case papers further it reveals that, the accused is apprehended during the course of investigation on the basis of material information that the present accused used Pistol to assault the complainant while robbing the amount. The accused took part in the robbery wherein complainant was injured. Section 394 and 397 of I.P.C. are attracted against the accused. The motorcycle as well as Pistol used in the offence have not been recovered. No

investigation is made from the accused in the serious offence, where robbery was committed on road. During investigation the present accused is revealed to be the person who used the Pistol. Thus, looking to the serious nature of offence, in which the accused has actually participated, from whom no investigation is made, who has absconded having antecedent against his name, no case is made out keeping in view the provision of Section 438 of Cr.P.C. to release him on anticipatory bail. Hence, the following order:

ORDER

Application is hereby rejected.

Date :- 11.03.2026

(V. C. Barde)
Additional Sessions Judge,
Baramati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer	:	Jagadish Narayan Kanki Stenographer (G-1)
Court Name	:	V. C. Barde Additional Sessions Judge, Baramati, Dist. Pune.
Date of Order	:	11.03.2026.
Order signed by		
Presiding Officer	:	11.03.2026.
Order uploaded on	:	11.03.2026