



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

CRIMINAL APPLICATION [BA] NO.1134 OF 2026.

Rohit Sudhakar Awzad

-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 I. Haque, Advocate for the Applicant.
Ms S.S. Dhote, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 17, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.543/2025 registered with Tiwsa Police Station, District Amravati for the offences punishable under Sections 103[1] and 118[1] of the Bharatiya Nyaya Sanhita, 2023. Charge sheet came to be filed and Section 3[5] of the BNS and Sections 4 and 25 of the Arms Act came to be added.

3. The first information report is lodged by Sau. Mangala Dakhore, alleging that the family of accused and

informant were having prior dispute. That on 03.09.2025 the accused persons assaulted her husband Amol with the help of knife on his stomach and chest, when her son intervened to save his father, he was also assaulted by knife due to which he suffered injuries to his hand. Further when Mother-in-law of informant intervened, but, she was also assaulted on her neck with the help of knife. Due to which the injured i.e. husband and mother-in-law of the informant died in the said incident. It is alleged that the applicant caught hold the husband of informant and other accused assaulted him, hence, the report.

4. The learned Counsel for the applicant submits that the applicant is 19 years of age and he is not the main accused, his brother Rohan has inflicted blow with the help of knife. He submits that the informant is not the eye witness, as could be gathered from the first information report, which was shown to be lodged on 03.09.2026, however, the signature below it is dated 04.09.2026. According to the learned Counsel for the applicant, there is delay in registration of the offence, since the incident occurred at 9 a.m., whereas the first information report was registered at 16.26 hours on the same

day. He submits that since the applicant is not the main assailant, in such circumstances considering his role, he be released on bail.

5. On the other hand the learned A.P.P. vehemently opposed the application by submitting that so far as the first information report is concerned, it was lodged promptly on 03.09.2025. She submits that so far as the date appearing below the signature of the informant is concerned, that is the date on which the first information report was forwarded to the Court and it is not the date on which the signature of informant was obtained, the submission of the learned Counsel for applicant in this respect is therefore, totally misconceived.

6. It is further submitted that apart from the first information report wherein role of applicant is carved out, there are other independent eye witnesses statements which supports the same. She has invited my attention to statement of an independent witness Kapil, wherein he has specifically stated that the applicant caught hold the deceased while he was running, and as the deceased fell down due to slipping, his

brother Rohan has inflicted blows on the deceased. In such circumstances if the applicant would not have caught hold the deceased, he would have ran away from the clutches of Rohan. My attention is invited towards statement of of other witnesses, which are consistent and specific role has been attributed to the applicant. She further submits that the perusal of the postmortem report of the deceased would reveal that there are 11 stab injuries mentioned in Column No.17, and the cause of death is "Hemorrhagic shock due to stab injuries". It is further submitted that not only accused Rohan inflicted blows on Amol, but, also inflicted blows on the mother-in-law of the informant namely Sushila, and as a result she died, therefore, two murders have been committed by the applicant and co-accused. In such circumstances, the applicant does not deserve to be granted bail, since the incident occurred out of previous enmity, wherein Amol had killed father of the applicant and now Rohan and co-accused have killed Amol. When Amol was released on bail. She therefore, prayed for rejection of the application.

7. I have considered the rival submissions of the

parties and gone through the material placed on record. So far as the question of delay in lodging the first information report is concerned, I am of the opinion that there is no delay in registration of the same, as the incident occurred at 9 a.m., whereas the first information report was registered at 4 p.m. on the same day. Considering the nature of incident in its entirety, the duration difference between the incident and lodging of the first information report is natural. It is to be noted that the information was immediately given to the police, i.e. at 10.30 a.m., which could be gathered from the first information report itself.

8. So far as the merits of the case is concerned, admittedly it appears that there was previous enmity between both the families as deceased Amol had killed the father of the applicant, and in order to take revenge, after release of Amol, the applicant and co-accused Rohan had killed him. Now so far as the role played by the applicant is concerned, it appears from various statements, as well as from first information report that when Rohan was chasing deceased Amol, at that time he fell down and applicant Rohit had caught hold him,

thereafter, Rohan inflicted 10 stab blows on the deceased. In such circumstances, it is very difficult to say that the applicant has not played any role. Further it is to be considered that only because the applicant has caught hold the deceased, the other co-accused i.e. brother of applicant Rohan, was able to inflict 10 serious stab injuries on the person of the deceased due to which he died. Considering the gravity and seriousness of the offence, though the applicant is 19 years of age, I am not inclined to grant him bail.

9. The learned Counsel for the applicant submits that mother of the applicant was released on bail, and therefore, even applicant deserves to be released on bail on the ground of parity. I do not see that the role played by the applicant is similar to the role of his mother, in such circumstances, ground of parity is not available to the applicant.

In view of above, Criminal Application is rejected.

JUDGE