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

CRIMINAL APPLICATION (BA) NO.836 OF 2025

Akash Harish Uikey

Vs.

State of Maharashtra, through Police Station MIDC, Nagpur

Name is corrected
as per Court's order
Dated 17.09.2025.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. H. P. Lalwani, Counsel for the applicant.
Mr. N. B. Jawade, APP for non-applicant/State.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 02/09/2025

1. The applicant came to be arrested on 19.03.2025 in connection with Crime No.267/2025 registered with Police Station MIDC, Nagpur for the offences punishable under Sections 103, 109, 3(5), 189(4), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023 and under Section 4 and 25 of the Arms Act and under Section 135 of the Maharashtra Police Act.

2. The crime was registered on the basis of report lodged by Aditya Rajesh Tiwari i.e. elder brother of Rohit Tiwari(deceased). On 13.03.2025 Rohit Tiwari left the house at 8.30 p.m., stating that he is going to the house of Nilesh Kalambe. When he did not return back till 11.30 p.m., the complainant called him, upon which Rohit (deceased) said that he would be back within 10-15 minutes. Nilesh Kalambe came running to the house and disclosed that one

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person namely Bhandari along with his associates have stabbed the deceased Rohit and he is lying in injured condition on the staircase of his shop. Immediately, the informant rushed towards the shop of the Nilesh Kalambe, where he found his brother lying in injured condition. He immediately took him to the Lata Mangeshkar Hospital, however, he reported to be dead. On the basis of the said report, police have registered the crime against the present applicant and the other co-accused.

3. Heard learned Counsel for the applicant, who submitted that the presence of the present applicant at the spot of incident itself is doubtful. Even accepting his presence, his participation was not in assault, he was not a member of an unlawful assembly, no allegation is levelled against him as to the assault on the deceased. He submitted that even there is no material collected during the investigation to show that the present applicant was a member of the unlawful assembly. He submitted that now the investigation is already completed, charge-sheet is already filed, and further incarceration of the present applicant is not required. In support his contention he placed reliance on the order of this Court in **Criminal Application (BA) No.628/2023 (Mihir Shekhar Hate Vs State of Maharashtra) decided on 09.08.2023.**

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4. Learned APP strongly opposed the said application and invited my attention towards the statements of some witnesses, from which it reveals that the present applicant was along with the other co-accused and was in possession of the knives. He submitted that considering the participation of the present applicant being the member of the unlawful assembly, the application deserves to be rejected.

5. On hearing both sides and on perusal of the investigation papers admittedly, the name of the present applicant is not mentioned in the First Information Report. The statements of the witnesses which the learned APP has pointed out to the extent that he was along with the co-accused. As far as his participation in the actual assault is concerned, there is no material to connect him with the actual assault. Even his presence is also doubtful at the spot of incident. Considering the investigation is already completed, charge-sheet is already filed, the applicant has made out a case for grant of bail. Accordingly, I proceed to pass following order:

ORDER

(i) The application is allowed.

(ii) The applicant **Akash Harish Uikey** shall be released on bail in connection with Crime No.267/2025 registered with Police Station MIDC, Nagpur for the offences punishable under Sections 103, 109, 3(5), 189(4), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 4 and 25 of

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the Arms Act and under Section 135 of the Maharashtra Police Act, on executing PR Bond in the sum of Rs.25,000/- with one solvent surety in the like amount.

(iii) The applicant shall attend the proceeding before the trial Court without seeking any exemption unless there are exceptional circumstances.

(iv) The applicant shall not enter into the jurisdiction of MIDC Police Station, till culmination of the trial.

(v) The applicant shall not indulge himself in similar type of activities. A single registration of the offence would lead to the cancellation of bail.

(vi) The applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case.

The application is disposed of.

(URMILA JOSHI-PHALKE, J.)