



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

CRIMINAL APPLICATION (BA) NO. 960 OF 2025

Akshay @ Lakkha Pandurang Aaswale

Vs.

The State of Maharashtra thr. PSO, PS Shanti Nagar

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

Court's or Judge's Orders.

Mr. Sahil M. Mate, Advocate for applicant.

Mr. Ujjawal Phasate, APP for the non-applicant/State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 11.12.2025.

The applicant is arrested in Crime No.28/2025 for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with Section 3(1)(a), 37(1) and 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that the informant lodged the report on 02.02.2025 stating that before three days, the incident of verbal abuses took place between her son i.e. deceased Shubham, Prayag Asvale and applicant. At about 8.00 a.m the son of the informant i.e. deceased Shubham went to his shop, the informant also went there after completing her household work. At about 1.00 p.m. deceased Shubham

had been to his house for lunch. The informant was present at the shop, at about 2.15 p.m. she received a phone call of Uday Mishra, he informed her that around 2.00 p.m. under Kawarapeth bridge, near Shitla Mata Mandir, the accused Akshay caught hold of her son deceased Shubham and accused Prayag attacked on throat of deceased Shubham by sharp weapon and then deceased was taken to hospital, where he was declared dead. The crime is registered.

3. Counsel for the applicant has stated that though in First Information Report the role of this applicant is mentioned that he caught hold the deceased but none of the eye witnesses have mentioned the role of this applicant. The applicant was called to settle the dispute between the deceased and the applicant. The brother of this applicant assaulted the deceased when they came there to settle the dispute. The applicant was not knowing that his brother went to purchase the knife and sharpen it and then he assaulted with the said knife. From the CCTV footage, it appears that he has not played any role. He was present there like other eye witnesses. The brother of the applicant had assaulted and cut his neck with knife and he died. The role of this applicant is like other eye witnesses and hence prayed to release the applicant on bail.

4. The learned A.P.P opposed the application stating that the intention was there to commit murder. All

the applicants came there with preparation. The First Information Report shows that he caught hold the deceased and thereafter the incident took place. Considering the role of this applicant and the dispute was with the applicant only, he prayed to reject the application.

5. Heard both the learned Counsel for the respective parties.

6. The serious offence of murder is committed. The allegations against this applicant in First Information Report that he caught hold the deceased and his brother has assaulted with knife and committed murder. On perusal of the statements of the witnesses and after going through the contents of the CCTV footage, it appears that the applicant has not played any role like holding the deceased. Though the dispute was with this applicant, there was verbal communication between the deceased and the applicant he has not touched the body of the deceased. Considering the role played by this applicant, the case is made out to grant bail to the applicant.

7. Hence, the applicant deserves to be released on bail. Accordingly, I proceed to pass the following order:-

i] The criminal application is allowed.

ii] The applicant shall be released on bail in Crime No.28/2025 for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023 read with 3(1) (a), 37(1) and 135 of the Maharashtra Police Act, 1951, on furnishing PR. Bond of Rs.25,000/- with one solvent surety in the like amount.

iii] The applicant shall not in any way tamper with the prosecution evidence.

iv] The applicant shall not pressurize or threaten the prosecution witnesses.

v] The applicant shall attend the concerned police station on every Monday and Saturday between 1:00 p.m. to 2:00 p.m.

vi] The applicant shall co-operate the Investigating Officer.

Vii] The applicant shall not enter the jurisdiction of Shanti Nagar Police Station, Nagpur

The Criminal application is disposed of accordingly.

(MRS VRUSHALI V. JOSHI, J.)