



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

CRIMINAL APPLICATION(BA) NO. 1115 OF 2025

Abhijit Devendra Dhoke Vs. 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.

Mr.V.G.Ingole a/w Mr.Tushar Patil, Counsel for the
applicant.
Ms.Trupti Udehsi,APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 15/10/2025

1) The applicant is arrested in Crime No.57 of 2025 registered with Police Station Parseoni, Nagpur Gramin for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023.

2) The incident took place on 21.02.2025 at about 4.44 hours. The applicant is the brother of the deceased. The deceased was working in WCL and he was doing labour work. He went to his work and at that time, he had not received the tiffin and therefore, he called his father and asked him as to why he has not received the meal at the proper time and he abused him. Thereafter, after sometime, the applicant, who is the brother of the deceased came there

with the wooden stick and he beat him by saying that why he has abused his father and he had given the blows of the stick on his head and the deceased sustained injury. He was taken to the hospital and he died during the treatment.

3) The learned counsel appearing for the applicant has stated that the applicant, who is the brother of the deceased is 19 years of age. Because of anger and as the deceased had abused his father, he had assaulted the deceased, intention was not there to commit a murder. The learned counsel for the applicant has stated that as the applicant is of young age, it is not proper to keep him with hardened criminals for a long time. He has relied on the judgment of the Hon'ble Apex Court in support of his argument that the young age of the accused is required to be considered. has stated that the violation of Article 22 of the Constitution of India is there, if the procedure is not followed, then it is the duty of the Court to release the applicant forthwith.

4) The learned counsel for the applicant has stated that even before the registration of the crime, the applicant was taken in custody. He has relied on the judgment in the case of Tejas Shamsunder Shinde Vs. State of Maharashtra, reported in **2025 SCC OnLine Bom 189**. The Hon'ble Apex Court in the case of Vihaan Kumar Vs. State of Haryana and anr reported in **(2025) 5 SCC 799** He has also relied on the order of this Court in Criminal Application (BA) No.494 of

2025 (Vitthal @ Ravinavnath Kamble Vs. State of Maharashtra), wherein this Court has considered if the intention is not there and it happened in the spur of moment, the applicant can be released on bail.

5) The learned APP opposed the application stating that the incident took place as the applicant got annoyed as the deceased abused his father for not giving the meal. The deceased was the only earning member and he has not received the meal, at the time of the lunch and therefore, he got annoyed of his father, because of which he had assaulted the brother with stick. Considering the outcome of the said anger, he lost his brother. The learned APP prayed to reject the application.

6) Heard both the sides and perused the record.

7) The offence is committed in the hit of anger. The applicant came with wooden stick, it appears that intention was not there to commit murder. He got annoyed because the deceased abused his father. Considering the age of the applicant and as the Hon'ble Apex Court in the case of Tejas Shinde Supra has observed in the paragraph No. 18 as under:-

18. One of the reason which strongly persuades me to consider grant of bail is the applicant's age being 20 years at the time of

his arrest and he being a student of second year Bachelor of Management Studies. It needs to be considered that despite his mother being a house maid and his father bedridden with kidney ailment, Applicant was studying in a reputed college in Dombivali and on the count of education he should be given an opportunity by the court to continue his education.

In the case in hand, the applicant is 19 years of age and is taking education. Considering the observations made by the Hon'ble Apex Court, the case is made out to release the applicant on bail. Accordingly, I pass the following order:

- i) Criminal application is allowed.
- ii) Applicant- Abhijit Devendra Dhoke be released on bail in Crime No.57 of 2025 registered with Police Station Parseoni, Nagpur Gramin for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 on his furnishing PR. Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one 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 co-operate the investigation officer.

7. The Criminal Application stands **disposed of** accordingly.

8. Pending application/s if any, is/are stand/s disposed of.

JUDGE