



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

CRIMINAL APPLICATION NO. 127 OF 2024

Shridhar Yadav Balki

Vs.

State of Maharashtra, Thru. PSO, PS Chandrapur, Dist. Chandrapur and anr.

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

Court's or Judge's Orders.

Mr. V. Kataria, Advocate for applicant.
Ms. T.H. Khan, APP for non-applicant No.1/State.
Mr. Ambatkar, Advocate for non-applicant No.2.

CORAM : RAJNISH R. VYAS, J.

DATE : 09.10.2025

Brother of the deceased, has approached this Court praying for cancellation of bail since according to him, in First Information Report bearing Crime No.658/2023 dated 15.10.2023 there is specific reference that deceased was assaulted. An offence punishable under Section 326, 323 read with Section 34 of the Indian Penal Code was registered against non-applicant No.2. Incident had taken place on 14.10.2023 at about 6:00 p.m.

2. It is the case of the prosecution that the deceased was beaten by the accused persons by means of stick and therefore, he was required to be admitted immediately to the hospital. He was under medical treatment and he died on 07.01.2024. Consequently,

offence under Section 302 of the Indian Penal Code was also added. After completion of investigation, charge-sheet under Section 302 of the Indian Penal Code also came to be filed. Thereafter, the original accused present non-applicant No.2 came to be released on bail vide order dated 13.08.2024.

3. It is the contention of the learned counsel for the applicant that non-applicant No.2 has breached the condition No.(c) which was imposed while granting bail. By way of condition No.(c) the non-applicant No.2 was directed not to enter into the vicinity of village Marda, District Chandrapur till culmination of trial. In order to support of his contention, he has brought my attention to the non-cognizable receipt (page 26) dated 21.10.2024 issued in his favour for offences punishable under Section 352, 351(2) of the Bhartiya Nyay Sanhita. In the said non-cognizable report the applicant has alleged that on 10.10.2024, when the applicant at his house the non-applicant No.2 came there and assaulted him and abused in filthy language. The said incident dated 10.10.2024 was reported to police on 21.10.2024. According to him, since there is a breach of condition, bail be cancelled.

4. It is clear from the record that no steps were taken after issuance of non-cognizable receipt.

5. Mr. Ambatkar, learned counsel for non-applicant No.2 submits that non-cognizable receipt itself would reveal that incident dated 10.10.2024 was reported on 21.10.2024 i.e. after lapse of 10 days. He therefore contends that non-cognizable receipt would not be sufficient to arrive at the conclusion that the non-applicant No.2 has entered village Marda.

6. From perusal of the record it is crystal clear that no material is brought on record except the non-cognizable receipt that the applicant has entered the village and breached condition.

7. Learned counsel for the applicant is not in a position to tell whether NC receipt was taken to logical end either by filing complaint or invoking jurisdiction of the Magistrate.

8. In that view of the matter and for want of evidence it can not be said that the condition had been breached. Therefore, the application is rejected.

(Rajnish R. Vyas, J.)