



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

**CRIMINAL APPLICATION (BA) NO. 1195/2025**

Nayan @ Madan s/o. Narayan Marape Vs. The State of Maharashtra

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

Court's or Judge's orders

Mr. M. V. Rai, Advocate for the Applicant.  
Mr. N. R. Rode, A.P.P. for the Non-applicant/State.

**CORAM : MRS.VRUSHALI V. JOSHI,J.**

**DATED : 18/12/2025.**

. Heard.

2. The applicant is arrested in Crime No.905/2024 for the offences punishable under Sections 109, 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. It is the case of the prosecution that one Kisnaji Mahakalkar was assaulted by this applicant along with other co-accused. On the basis of the statement given by the complainant in the hospital, the crime is registered against unknown persons. When the applicant was standing alone in the field, he saw two persons coming. Then he asked them what they are doing, they told him that they are going towards Nalha to catch crabs (Khekada). Thereafter, when he was taking rest under the tree, the applicant and the co-accused came there and assaulted with wooden stick and knife, and with the help of knife, the accused No.3 cut his throat. Thereafter, he was admitted in the hospital and on the basis of the statement given by him, the crime is registered against the unknown persons.

4. The complainant suspected the accused No.1 as he was suspicion that the applicant had done some black

magic on his wife and, therefore, from the statement made by the accused No.1, it is reflected that accused No.2 and 3 have committed this offence as the contract given by the accused No.1.

5. The learned Counsel for the applicant has stated that the name of this applicant is disclosed by the co-accused, which is inadmissible. On the basis of the statement, the accused persons are arrested. The role played by this applicant is of blow by wooden stick and the accused No.3 has used the knife. The role of this applicant is lesser. The accused No.1 is already released on bail and the accused No.3 is absconding. Considering the role played by this applicant, prayed to release him on bail.

6. Learned A.P.P. opposed the application stating that the medical certificate shows that it was grievous hurt. The knife was recovered. The contract was given by the accused No.1, and accused Nos. 2 and 3 assaulted with knife and wooden stick with intention to commit murder. The neck was slit by the accused No.3. In Test Identification Parade, the complainant identified the accused. Considering the gravity of the offence, prayed to reject the application.

7. Heard the learned Counsel for the applicant and the learned A.P.P. for the State.

8. Since last 14 months the applicant is in jail. The complainant/injured is discharged from the hospital. The name of this applicant is disclosed by the co-accused. The earlier First Information Report was registered against unknown persons. On disclosure of the name of this accused by the co-accused, the crime is registered. The

case is made out to release the applicant 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 connection with Crime No.905/2024 for the offences punishable under Sections 109, 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023, on furnishing P.R. 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 investigation officer.

The Criminal application is disposed of accordingly.

**(MRS. VRUSHALI V. JOSHI, J.)**