



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

CRIMINAL APPLICATION(BA) NO. 1281 OF 2025

Vishnu Muklundrao Kokadde 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.A.S.Mardikar Senior Adv. a/b Mr.R.S.Bhalerao,counsel for the
applicant.

Mr. Ashish Kadukar, APP for the State.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATE : 02/12/2025

1. The applicant is arrested in Crime No.451/2025 for the offences punishable under Section 103(1), 49, 61(2) of Bharatiya Nyaya Sanhita,2023 and Section 4/25 of Arms Act and Section 135 of Maharashtra Police Act.

2. One Sumit brother of deceased has lodged the complaint alleging that on 16/06/2025 the deceased left his house on his motorcycle at around 7.00 pm. Thereafter, on the next day at around 2.00 am the complainant received a call from his real brother stating that he received a call from one Karan saying that somebody has attacked the deceased and he is lying in a pool of blood near their shop. Therefore, complainant rushed on spot. At that time the people

gathered there had taken the deceased to the hospital in an ambulance, therefore, the complainant went to the hospital. They saw that the deceased had received various wounds on his body and it was informed that one Himanshu Kumbhalkar called him near the water purifier and had stabbed him.

3. The learned counsel appearing for the applicant has stated that the name of this applicant is not mentioned in the FIR. Only because he being the Sarpanch of the gram panchayat was instrumental in issuing the gavthan certificate, in favour of other accused persons thereby causing loss to the Government and gram panchayat, the deceased had lodged the complaint and the crime was registered and therefore, the applicant was having grudge against the deceased, therefore his name is mentioned only on suspicion.

4. The learned counsel for the applicant has stated that even the statement made by the alleged eye witness is also not supporting and not attributing any role to this applicant. Though eye witness is there, his statement shows that he came to know about it by the villagers. Therefore, only on suspicion, the applicant is arrested. As he has not named by any person and only because the suspicion was there, he is arrested. Hence, prayed to release him on bail.

5. The learned APP opposed the application stating that the eye witness has mentioned the name of this applicant. Though it is the suspicion, the grudge was there as the deceased has lodged the complaint against him and the crime was registered against him. Hence, prayed to reject the application.

6. Heard both the sides and perused the record.

7. It appears from the FIR that though the person who has stated about the name of the accused no.1, and has mentioned the role of said person as eye witness. The statement shows that he came to know about the incident from villagers, which creates doubt. The applicant's name is not in FIR. Only on suspicion and he was with accused No.1 prior to few days, his name is mentioned. Only because the deceased has lodged the complaint against him, name of applicant is mentioned. No role is attributed to this applicant. Though eye witness is there, the statement of eye witness itself creates doubt. Hence, the case is made out to release the applicant on bail.

8. Accordingly, I pass the following order:

i) Criminal application is allowed.

ii) Applicant-Vishnu Mukundrao Kokadde be released on bail in Crime No.451/2025 for the offences punishable under Sections 103(1), 49, 61(2) of Bharatiya Nyaya Sanhita,2023 and Section 4/25 of Arms Act and Section 135 of Maharashtra Police Act, on his furnishing P.R. 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.

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

JUDGE