



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

CRIMINAL APPLICATION (BA) NO. 802 OF 2025

(Nilesh @ Nitin Bhagwanji Gajbhiye

Vs.

State of Maharashtra, Thr. PSO, Police Station Khaparkheda, Nagpur)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. G.S. Chandok, Advocate a/w Mr. R.G. Sahu & G.G. Sahu, Advocates for the Applicant.

Ms. Sneha Dhote, APP for the Non-applicant/State.

CORAM: URMILA JOSHI-PHALKE, J.

DATED : 8th AUGUST, 2025

1. The Applicant came to be arrested on 12.10.2024, in connection with Crime No. 638/2024 registered with Police Station Khaparkheda, District Nagpur for the offence punishable under Sections 109 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The crime is registered on the basis of the report lodged by Manohar Kashiram Bankar on an allegation that he runs a liquor shop. On 06.10.2024, one Jitendra @ Bapya Bawane alongwith the present Applicant and other co-accused came in his shop and there was hot exchange of words between them and the present Applicant has broke the glass and give a blow on the neck of the said Jitendra @ Bapya Bawane, due to which he has sustained the injuries. On the basis of the said report Police have registered the crime against the present Applicant.

3. Heard learned Counsel for the Applicant who submitted that, as far as the name of the present Applicant is concerned which is not mentioned in the FIR. Now, investigation is already completed charge-sheet is already filed, the injured is already discharged from the Hospital, there is no apprehension as far as the death is concerned, and therefore, further incarceration of the present Applicant is not required.

4. Learned APP, strongly opposed the said Application and submitted that considering that the injured has sustained the grievous injuries on the vital part of the body and he was hospitalized for some days. Though his name is not mentioned in the FIR but the description was mentioned. The alleged incident was also witnessed by various eye witnesses. Thus, the involvement of the present Applicant reveals. In view of that, the Application deserves to be rejected.

5. On hearing both the sides and on perusal of the investigation papers, admittedly the involvement of the present Applicant reveals from the investigation papers but considering the fact that now injured is already discharged from the hospital and there is no apprehension as far as death is concerned. Now, investigation is already completed charge-sheet is already filed, the Applicant cannot be kept behind bars by way of punishment. In view of that, the Application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

- i. The Application is **allowed**.
 - ii. The Applicant – Nilesh @ Nitin Bhagwanji Gajbhiye in connection with Crime No.638/2024 registered with Police Station Khaparkheda, District Nagpur for the offence punishable under Sections 109 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail, on executing P.R. Bond in the sum of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety in the like amount.
 - iii. The Applicant shall not enter into the vicinity of Datta Nagar Chankapur Ward, Saoner till culmination of the trial.
 - iv. The Applicant shall not induce, threat or promise any witnesses who are acquainted with the facts of the case either personally or by way of electronic media.
 - v. The Applicant shall attend the proceedings before the Trial Court without seeking any exemption unless there are exceptional circumstances.
 - vi. The Applicant shall not indulge himself in similar type of activities.
6. Pending application/s, if any, shall stand disposed of accordingly.

(URMILA JOSHI-PHALKE, J.)