



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

CRIMINAL APPLICATION (BA) NO.127/2026

(Badansingh S/o Ramgopal Rathore Vs. State of Maharashtra, through Police Station Officer, P.S. Tahsil, Nagpur)

WITH

CRIMINAL APPLICATION (APPLN) NO.34/2025

(Meena W/o Rajesh Rathore Vs. The State of Maharashtra and another)

WITH

CRIMINAL APPLICATION (APPLN) NO.33/2025

(Meena W/o Rajesh Rathore Vs. The State of Maharashtra and another)

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

Court's or Judge's orders

Mr. S.P Bhandarkar with Mr. Atharva Khadse, Advocates for the Applicant.
Mr. Bhagwan M. Lonare, A.P.P for the Non-Applcmt/State. ..(in B.A. No.127/2026)

Mr. A.A. Naik, Senior Advocate with Mr. P.R. Agrawal, Advocate for the Applicant.
Mr. Bhagwan M. Lonare, A.P.P for the Non-Applcmt No.1/State.
Mr. S.P Bhandarkar with Mr. Atharva Khadse, Advocates for the Non-Applcmt No.2.
..(in APPLN No.34/2025)

Mr. A.A. Naik, Senior Advocate with Mr. P.R. Agrawal, Advocate for the Applicant.
Mr. Bhagwan M. Lonare, A.P.P for the Non-Applcmt No.1/State.
Mr. S.P Bhandarkar with Mr. Atharva Khadse, Advocates for the Non-Applcmt No.2.
..(in APPLN No.33/2025)

CORAM: NEERAJ P. DHOTE, J.

DATED: 7.4.2026.

COMMON ORDER

Since all these applications arise out of Crime bearing No.717/2024 registered with the Tahsil Police Station, Nagpur for the offence punishable under Sections 103(1), 109, 3(5), 189(2), 191(2), 191(3), 190, 249 and 61(2) of the Bhartiya Nyaya Sanhita (for short "B.N.S.) and for the offence punishable under Section 4 read with Section 25 of the Arms Act and for the offence punishable under

Section 135 of the Maharashtra Police Act, and common submissions are made, they are decided by this common order.

2. The above referred Crime came to be registered on the Report lodged by Meena W/o Rajesh Rathore, the mother of two deceased by name Deepak Rathore and Ravi Rathore. It is the prosecution's case that, the Informant and her two deceased sons were in the business of bangles. They have their establishments in the Hansapuri area of Nagpur. On 29.12.2024 around 11:00 a.m. the Applicant/accused Badansingh and co-accused Manoj Kumar came together on the motorcycle. They asked for the *Kharra* to deceased Ravi Rathore. The Applicant Badansingh asked deceased Ravi to repay the money in connection with the business. The Applicant Badansingh made phone call to his sons and after some time, his sons who are the co-accused came on the spot. The deceased Ravi and deceased Deepak were assaulted by knife. Deceased succumbed to the injuries. One of the eye-witness informed the mother of the deceased about the incident and the aforesaid Report came to be lodged.

3. The Bail Application by the Applicant Badansingh for regular bail was moved before the learned trial Court in Sessions Case No.342/2025, below Exh.11 and by order dated 23.12.2025 the Application came to be rejected and hence the Criminal Application (BA) No.127/2026 is filed for bail. As the learned trial Court by order dated 12.03.2025 below Exh.1 in Criminal Bail Application No.642/2025 granted bail to co-accused Manoj Kumar and to the co-accused Vivek by order dated 12.03.2025 below Exh.1 in Criminal Bail Application No.641/2025, the Criminal Application (BA)

Nos.33/2025 and 34/2025 are filed by the Informant/Victim for cancellation of bail.

4. Heard the learned Advocate for the accused, the learned Senior Advocate for the Informant/Victim and the learned A.P.P. for the State. With their assistance perused the papers on record.

a) It is submitted by the learned Advocate for the accused that, the co-accused to whom the learned Sessions Court has granted bail had played no active role in the actual assault. The learned Sessions Court by taking into consideration all the aspects of the matter and role attributed to them, granted bail by the above referred orders. He further submitted that, the role attributed to the Applicant Badansingh is similar to that of the said co-accused Manoj Kumar and Vivek who are granted bail. Only because the Applicant Badansingh was the father of the actual assaulters Abhishek and Sonu, the learned trial Court rejected the bail Application by holding that, the Applicant Badansingh was found instigating the actual assaulters. He submitted that, the Applicant Badansingh and the co-accused who are granted bail by the learned trial Court have no criminal antecedents. He relied on the order of this Court in Criminal Application No.1272/2021 (Komal Dharmraj Bhingarde V/s. The State of Maharashtra) dated 07.12.2021 granting bail in the offence of murder. He further relied on the decision of this Court dated 08.01.2024 in Bail Application No.3535/2023 (Avinash Ashok Torane V/s. The State of Maharashtra) wherein the bail was granted to the accused of murder. He further relied on the order dated 03.10.2023 in Criminal Appeal No.-----/2024 arising out of Special Leave Petition (Cri.) 10003/2024 (Vikram Jagdish Shete V/s. The State of

Maharashtra & Anr.) wherein the bail was granted for the offence of murder. He further relied on the order dated 13.03.2026 of the Hon'ble Apex Court in Criminal Bail Application No.1341/2026 arising out of Special Leave Petition (Cri.) 18775/2025 (Pradeep Kumar @ Banu V/s. State of Punjab) granting bail by considering two years of incarceration. He further submits that, the Application for bail be allowed and the Applications for cancellation of bail be rejected.

b) It is submitted by the learned Senior Advocate that, the offence was registered under Section 190 of B.N.S. along with the other relevant sections of B.N.S. The case of prosecution clearly makes out the case of unlawful assembly and the statement of one of the witness shows that, the Applicant Badansingh had assaulted the deceased. Being member of unlawful assembly, the Applicants were equally responsible for the crime. The accused had the common object. From the statement of the witnesses common object of all the accused persons was clear. The Report shows the number of injuries on the deceased which shows the brutality of the murder. The learned Sessions Court has given importance to irrelevant considerations while granting bail to the said co-accused Manoj Kumar and Vivek. The statement of the eye-witnesses nowhere shows that, the Applicant Badansingh tried to stop assault. The statement of the eye-witnesses shows that, the Applicant Badansingh had given phone call to his sons who came on the spot with knife and dealt fatal blows on the deceased. Considering the nature of offence and the material available against the accused persons, the Application for bail by the Applicant Badansingh be rejected and the bail granted to the co-accused Manoj Kumar and Vivek be cancelled. He further submits

that, witness Sumit Punekar was threatened by the accused persons and he lodged the Report with the Tahsil Police Station and the Crime bearing No.0852/2025 came to be registered for the offence punishable under Sections 351(3), 232(1) and 3(5) of the B.N.S. He submits that, apprehension of threatening persists. In support of his submissions, he relied on the decision in *Ajwar V/s. Waseem and another*, (2024) 10 SCC 768, *Aashish Yadav V/s. Yashpal and others*, 2025 SCC OnLine 1100, *State of Karnataka V/s. Sri Darshan etc.*, 2025 SCC OnLine 1702 and *Shobha Namdev Sonavane V/s. Samadhan Bajirao Sonvane and others*, 2026 SCC Online SC 291.

c) It is submitted by the learned A.P.P. that, brutal murder was committed at the public place and the Applicants are named in the F.I.R. There are statements of the eye-witnesses to the incident. There are CCTV Footage to corroborate the statement of the eye-witnesses. The Applicant Badansingh did not stop the actual assaulters and there was possibility of tampering with the prosecution's evidence. He submitted that, the Application for bail may be rejected and the Applications for cancellation of bail may be allowed.

5. In *Ajwar (supra)* the prosecution's case was that, the accused persons who were 10 in numbers arrived at the spot and indiscriminately fired on the Appellant and his two sons. The relevant parameters for grant of bail are reiterated in para 26 stating that, while considering as to whether bail is to be granted in a matter involving serious criminal offence, the Court must consider the relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the

accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail.

5a) In *Aashish Yadav (supra)* there was a fight in the marriage procession with the Victim and one accused had fired bullets which hit the Victim and the other bullets hit two other persons. It is observed therein that, merely because no overt act was attributed to the Respondent accused in the F.I.R, the same cannot be considered a ground for grant of bail for the offence punishable under Section 302 of I.P.C. It is observed that, the F.I.R. is not an encyclopedia of facts. The bail granted by the High Court therein was interfered with.

5b) In *State of Karnataka (supra)* the offence was of murder, criminal conspiracy, unlawful assembly etc. The principles for cancellation of bail are stated.

5c) In *Shobha (supra)* a civil dispute was pending and the incident of assault took place and the offence was registered under the relevant sections of I.P.C. and Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Considering the material on record showing the common object of the assembly, nature of injuries and other relevant aspects, the bail granted by the High Court therein was cancelled.

6. In the above referred decisions relied upon by the learned Advocate for the accused in *Komal (supra)*, *Vikram (supra)*, *Pradeep*

Kumar (supra), the bail was granted to the accused therein by considering the factual aspects of the matter.

7. The case of the prosecution is based on the eye-witnesses account. Perusal of the F.I.R. and the statement of the eye-witnesses recorded during the course of investigation shows that, there were business dealings between the Applicant Badansingh and the deceased. The Applicant Badansingh and the co-accused Manoj Kumar came together near the spot of incident and Applicant Badansingh asked for money which deceased Ravi owed him. During the conversation, the Applicant Badansingh made a phone call to his sons and the co-accused Abhishek, Sonu and Vivek came on the spot. In statement of Shubham the role of assault is attributed to all the accused persons. However, it is the prosecution's case and it is stated by the eye-witnesses that, the fatal blows by the knife were dealt with by the co-accused Abhishek and Sonu. It is observed by the learned Sessions Court in the order by which the Bail Application of the Applicant Badansingh is rejected that, the Applicant Badansingh was instigating the actual assaulters. While granting bail to the co-accused Manoj Kumar, the learned trial Court observed that, no role of assault by any weapon was attributed to Manoj Kumar and phone call was not made by Manoj Kumar and further observed that, Manoj Kumar did not play any vital role in the offence. While granting bail to the co-accused Vivek the learned Sessions Court observed that, he was only present on the spot of incident and related to accused Nos.1 to 3 and, therefore, he came to be arrested.

8. There cannot be any dispute in respect of the settled legal position in respect of common object, unlawful assembly and principles laid down in the above referred judgments in respect of grant of bail and cancellation of bail. Except the aspect of making phone call, the Applicant Badansingh and Manoj Kumar stands on the same footing. Whether common object of the assembly was to eliminate both the brothers can only be answered after the evidence is led. On going through the orders granting bail by the learned Sessions Court to the co-accused Vivek and Manoj Kumar it is clear that, same are detailed orders with reasons. In light of the above referred principles, in my view, no interference is called for in the said orders by which they are granted bail. The Applicant Badansingh is entitled for bail on the ground of parity. The Crime bearing No.0852/2025 registered for the offence punishable under Sections 351(3), 232(1) and 3(5) of the B.N.S. will take its own course. However, the apprehension of tampering can be taken care by imposing appropriate condition in the bail orders. Hence, the following order:-

ORDER

- i) The Criminal Application (BA) No.127/2026 is allowed.
- ii) The Applicant Badansingh be released on bail in Crime No.717/2024 registered with the Tahsil Police Station, Nagpur for the offence punishable under Sections 103(1), 109, 3(5), 189(2), 191(2), 191(3), 190, 249 and 61(2) of the B.N.S. and for the offence punishable under Section 4 read with Section 25 of the Arms Act and for the offence punishable under Section 135 of the Maharashtra Police Act on his executing P.R. Bond for Rs.25,000/- with one surety in the like amount.

- iii) The Applicant Badansingh shall not enter Nagpur City until the trial is concluded, except to attend the trial.
- iv) The Applicant Badansingh shall not tamper with the prosecution's evidence in any manner.
- v) The Applicant Badansingh shall co-operate with the learned trial Court.
- vi) Criminal Application (APPLN) Nos.33/2025 and 34/2025 are partly allowed to the extent that, the co-accused Manoj Kumar and Vivek shall not enter Nagpur City, except to attend the trial and co-operate with the learned trial Court.

(NEERAJ P DHOTE, J.)