



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

CRIMINAL APPLICATION [BA] NO. 12 OF 2026.

Manohar @ Manoj Baban Bende

-VERSUS-

The 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

Shri C.S. Dharmadhikari, Advocate for the Applicant.
Shri V.A. Thakare, A.P.P., for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 04, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.993/2024 registered with M.I.D.C. Police Station, District Nagpur for the offence punishable under Sections 103, 238, 249, 3[5] and 351[2] of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The first information report came to be filed by the Assistant Police Inspector Yogesh Mohite, alleging that on 08.10.2024 the applicant has brought the injured Kamlesh Patel in the Government Medical Hospital for treatment, and during treatment he expired. The applicant has given name of the deceased as Anil Yadav and thereafter went absconding. On enquiry from the

spot of incident, it was found that the deceased Kamlesh Patel was working as guard in the steel factory, where the applicant was a worker. On 08.10.2024, after completing the shift the applicant went outside the factory premises and returned at 10.30 p.m. when the gate was closed. The applicant jumped over the gate and started abusing the deceased as to why he has not opened the gate. Thereafter, the applicant assaulted the deceased by iron rod, he also suffered injuries in the said incident. Other workers informed about the incident to the owner of the factory, the applicant told the owner that after taking the deceased to hospital, he would go to police station. After completing the investigation, charge sheet came to be filed.

4. The learned Counsel for the applicant submits that on 08.10.2024 the applicant came back to the factory at about 9.30 p.m. by jumping over the gate as the security guard was sleeping. At that time he was under influence of liquor and started abusing the deceased Kamlesh Patel. At the initial point of time there was scuffle between the applicant and the deceased, however, that was pacified by the workers. Thereafter, again at 10 p.m. the applicant came back, picked up iron rod and gave blow on the head of the deceased. It is submitted that as the applicant was in drunken condition, he was not able to understand what he was doing.

Postmortem report reveals that there is only one injury on the head of the deceased, and he therefore, submits that had there been any intention, the applicant would have inflicted more blows, therefore, the case of applicant would not fall under Section 103 of the BNS. It is further submitted that the applicant was intending to inform the police, however, his owner had asked him to first go to the hospital, and thereafter he should do what ever he wishes to do. The learned Counsel submits that there was no intention on the part of the applicant to kill the deceased, and he is behind bars since 21.10.2024 and till today even charges are not framed. He therefore, prayed that considering the fact that investigation is over and charge sheet is filed, no purpose would be served by keeping the applicant behind bars, and he be released on bail, the applicant is ready to abide by the stringent conditions which this Court may impose.

5. The learned A.P.P. vehemently opposes the application and submits that considering the gravity of the offence, the present applicant does not deserve to be released on bail. There are eye witnesses to the incident, who have in unequivocal terms described the entire incident and submits that it is the applicant who has started the quarrel with the deceased. There is every intention, as can be gathered from the entire episode, as at about 9.30 p.m. the

applicant had initially came there and picked up quarrel with the deceased. There was scuffle between both, which was pacified by workers, however, at a later point of time i.e. at 10.30 p.m. the applicant again came back and abused the deceased, picked up iron rod and inflicted forceful blow on the head of the deceased. It is submitted that even later part of the incident is also important wherein he was asked to take the deceased to the hospital, where he has given wrong name of the deceased, therefore, considering the seriousness of the crime and direct evidence of eye witnesses, coupled with the fact that there was recovery of iron rod under Section 23 of the Bhartiya Sakshya Adhiniyam, at the behest of the applicant, and the application is liable to be rejected.

6. I have considered the rival submissions of the parties. Admittedly, the applicant has inflicted blows on the head of the deceased with the help of iron rod. This fact is supported by the postmortem report wherein one injury in column no.17 injury no.4 is shown on temporal region, so also in column no.19 the corresponding injuries are shown to injury no.4, from which it can be gathered that it is 'depressed fracture'. It could also be gathered that there are eye witnesses to the incident, however, the fact remains that when the applicant came in the factory at about 9.30 p.m., he was in drunken condition. He has initially started quarrel

with the deceased and in that quarrel the deceased had taken out one iron bard and tried to inflict blow on the applicant, which was restrained by the applicant. Thereafter again there was scuffle between them, and at that time present applicant had suffered injuries to his fingers. The factory workers came there and pacified them. It further appears that again on 10 p.m. the applicant came there and started abusing the deceased and abruptly gave blow on his head. The said blow appears to be forceful, and there was depressed fracture on the skull i.e. at temporal region. The fact remains that the applicant is prima facie involved in the serious crime, however, there are no criminal antecedents against him. It is to be further noted that now the investigation is complete and charge sheet is filed, therefore, I am inclined to grant bail to the applicant by imposing stringent conditions. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Manohar @ Manoj Baban Bende, be released on regular bail in connection with Crime No.993/2024 registered with M.I.D.C. Police Station, District Nagpur for the offence punishable under Sections 103, 238, 249, 3[5] and 351[2] of the Bhartiya Nyaya Sanhita, 2023 (BNS) on his furnishing P.R. Bond of Rs.50,000/- with one surety in the like

amount.

- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) The accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also shall not tamper with the evidence.
- (v) The accused shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial on one date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE