



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

CRIMINAL APPLICATION (BA) NO.17/2026

(Prabhakar S/o Ghulalram Gedam 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. C. R. Thakur, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 23/01/2026.

Heard.

2. By this present application, the applicant is seeking bail in connection with Crime No.158/2025 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 103, 332(a), 189(2), 189(4), 191(3), 190 and 249 of the Bharatiya Nyaya Sanhita.

3. The incident took place on 28.03.2025 in the evening. Allegations are that the applicant along with his relatives went to the house of the informant and therein they have beaten Amar and accordingly, Amar succumbed to injuries. It appears from the FIR that the blow was given with the help of an axe by one Shailesh Atram. So far as the role attributed to the present applicant in the FIR is concerned, the present applicant has beaten the

deceased with the help of stick.

4. Upon perusal of the supplementary statements, it appears that Amar was beaten by one Krish @ Lucky Maraskolhe with the help of an axe and he has given blow on the head of deceased – Amar. It is further stated in his statement that Prashant @ Dadu was having knife in his hand and so far as the other persons are concerned, they were armed with sticks. The role attributed to the present applicant is that he has instigated other persons to beat Amar and asked them that Amar should not be left alive. There are other statements, wherein also the present applicant was attributed with the role of instigation. The learned counsel for the applicant submits that the applicant is of 60 years of age. He has played limited role. He submits that considering the role of the applicant, he be released on bail. He relied on judgment of the Supreme Court in case of *Dharmendra Chandulal Patel Vs. State of Gujarat, AIR 2002 SC 395*, wherein the Supreme Court has granted bail considering the role attributed to the applicant therein as of instigation.

5. On the other hand, the learned APP vehemently opposes the application and invited my attention to the FIR and the supplementary statement of the informant, wherein specific role has been attributed so far as the FIR is concerned, it was alleged that the present applicant has given blow with the help of stick, however whereas in the supplementary statement, the role attributed is of instigation to other accused persons. She further submits that the fact remains that the present applicant was present at the time of incident and played an active role. He being an elder, he should have tried to pacify the quarrel between both the parties, however he himself was instrumental and actively participating in the commission of crime. Therefore, she invited my attention to the postmortem report, wherein there are multiple injuries on the vital part of the body and cause of death is fracture of skull with force injury to the brain. Accordingly, she submits that considering the gravity of the offence, the present applicant does not deserve to be enlarged on bail.

6. Upon careful perusal of the FIR and various statements, admittedly, the present applicant was present when the alleged incident of murder took place. Further, it

appears that he has actively participated in the incident. However, considering the role which was attributed during the entire investigation of instigation, as observed by the Supreme Court in Dharmendra Chandulal Patel (*supra*) wherein considering the limited role, the applicant therein was released on bail, the present applicant can also be granted bail.

7. So far as the present applicant is concerned, it appears from the record that though he was present at the time of incident and instigated other accused persons, however no overt act has been attributed to him, therefore, considering the age and the fact that the investigation is complete and charge-sheet is filed, I am inclined to grant bail to the present applicant, hence following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Prabhakar S/o Ghularam Gedam be released on bail in connection with Crime No.158/2025 registered with Police Station Bhadrawati, Dist. Chandrapur for the offence punishable under Sections 103, 332(a), 189(2), 189(4), 191(3), 190 and 249 of the Bharatiya Nyaya Sanhita on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.

(iii) 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.

(iv) The accused shall provide his residential address and cell number to concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/accused shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates or fails to comply with the aforesaid conditions, his default would entails the State to ask for cancellation of bail.

(vi) The applicant/accused shall not enter within the jurisdiction of Bhadrawati Tahsil.

(M. M. NERLIKAR, J.)