



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

CRIMINAL APPLICATION [BA] NO. 65 OF 2026.

Ajay Laxman Shelke.

-VERSUS-

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 S.V. Sirpurkar, Advocate for the Applicant.
Ms S. Haider, A.P.P. for the Non-applicant.
Shri R. Khan, Advocate Assisting Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Criminal Application No.498/2026.

Heard.

2. This is an application praying to assist the prosecution. For the reasons stated in the application, the same is allowed and disposed.

.....

Criminal Application No.65/2026.

Heard.

2. The applicant came to be arrested on 19.04.2025 in connection with Crime No.161/2025 registered with

Vasantnagar Police Station, Yavatmal for the offence punishable under Sections 189[2], 191[2], 191[3], 190, 109, 351[2] and 351[3] of the Bhartiya Nyaya Sanhita (BNS).

3. The first information report is lodged by the mother of the victim Vijay, namely Sou.Vandana Vishnu Gaddhe. She has alleged that in the night of 18.04.2025 she was in the house along with her younger son, and the victim had gone out on his motorcycle. The applicant along with his associates came to the house of the informant, by knocking the doors shouting that they have killed Vijay and would also kill them. When the informant opened the door, she found 5-6 persons running from the spot on motor cycle, and at some distance Vijay was lying on the ground and blood was coming out from his head. There were also injuries to other parts of his body. Hence, the first information report.

4. The learned Counsel for the applicant submits that even if the case of the prosecution is accepted as it is, the allegations against the present applicant are that he has assaulted with the help of bat on back side of injured Vijay, which is supported by the statement of injured Vijay recorded

by the investigating officers. If the aforesaid statement is considered, then the other statement wherein the role of the present applicant, shown by the eye witness that he was having knife in his hand, falsifies the prosecution case. It creates doubt about the veracity of other statements when the victim/injured specifically stated about the assault by bat on his back. It is submitted that the applicant is behind bars since 19.04.2025 and all the accused persons are released on bail, except for the applicant. Investigation is over, charge sheet is filed and therefore, no purpose would be served by keeping the applicant behind bars.

It is submitted that the present first information is a counter blast to the first information report lodged by the applicant as regards the same incident, wherein the applicant has made allegations against the group of Vijay. That Vijay first assaulted the applicant, and thereafter in defence, a scuffle took place and there was free fight, and in that incident, persons from both sides were injured. He therefore, prays for grant of bail.

5. On the other hand, the learned A.P.P. vehemently

opposes the application and has invited attention to the injury certificate of the injured Vijay, wherein there are as many as 5 grievous injuries are shown. Apart from these grievous injuries, there are simple injuries also. She has also invited my attention to statements of eye witnesses, wherein it is alleged that the present applicant was having a knife, he was instigating others to assault Vijay, and accordingly Vijay was assaulted by other persons. She submits that pursuant to memorandum under Section 23 of Bharatiya Sakshya Adhiniyam, 2023 the recovery of knife was made at the behest of the applicant, and therefore considering the specific nature of allegations, the applicant may not be enlarged on bail.

6. I have heard the submissions canvassed by the learned Counsel for the parties. The fact remains that there are two first information reports in respect of same incident. Admittedly applicant has also lodged the first information report under Section 118[2] and other sections of the BNS. It further appears that against the applicant also an offence is registered under Section 109 of the BNS. Thus, it is word against word, wherein the applicant has taken a stand of self

defence, however, at this stage, it cannot be considered. The fact remains that the applicant has also lodged the first information report alleging that the victim/injured in the present crime Vijay and others have assaulted him. It is further to be noted that perusal of the statement of Vijay in the present crime reflects that the present applicant has assaulted him with the help of a bat on his back side. It no where records that the applicant has assaulted him with the help of knife. The statement is of paramount consideration, however, other statements recorded stating that the applicant had a knife in his hand, and he had instigated others to assault Vijay, is contrary to the statement of injured Vijay. Further more, considering the fact that the applicant is behind bars since 19.04.2025, coupled with the fact that the investigation is over and charge sheet is filed, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.

- (ii) The applicant /accused Ajay Laxman Shelke be released on regular bail in connection with Crime No.161/2025 registered with Vasantnagar Police Station, Yavatmal for the offence punishable under Sections 189[2], 191[2], 191[3], 190, 109, 351[2] and 351[3] of the Bhartiya Nyaya Sanhita (BNS) on his furnishing P.R. Bond of Rs.50,000/- with two sureties 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 for 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,

7

during the course of trial.

- (viii) Misc. Applications, if any, are also disposed of.

JUDGE

-