



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

CRIMINAL APPLICATION [BA] NO. 69 OF 2026.

1.Gondur Jeevan Salame.

2.Vikas Somrao Salame

-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 T.U. Tathod, Advocate h/f. Shri P.M. Khan, Advocate for
Applicants.

Ms P. Bawankule, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Heard.

2. Applicants came to be arrested in connection with
Crime No.108/2025 registered with Chikhaldara Police
Station, Amravati Rural for the offence punishable under
Sections 118[2], 3[5] of the Bhartiya Nyaya Sanhita (BNS).
Charge sheet in the matter came to be filed and Section 103[1]
of BNS came to be added.

3. The first information report is lodged by Dhanraj

Bihari Salame alleging that on 25.05.2025 he along with his grand father and tractor driver went to their field for performing agricultural operations. During said operations, his relatives came there and obstructed them from performing it, on questioning them, they assaulted his grand father with the help of axe on head and with the wooden log of axe on back. The informant under fear that he would also be attacked by the accused persons, ran away from there. He told about the incident to his father and accordingly the first information report came to be lodged.

4. The learned Counsel for applicants submits that so far as the role of present applicants are concerned, it is alleged in the first information report that the applicant – Gondu has assaulted the deceased with the help of wooden log attached to the axe on back side and applicant Vikas has assaulted him by kicks. Initially an offence under Section 118[2] of the BNS was registered, however, later on as the injured Budhe Singh Jaddu Salame expired, Section 103[1] of BNS came to be added. It is submitted that considering the role played by applicants, had it been their intention, they would have

assaulted with the help of axe and not by its log and kicks. Even the injury certificate shows that the injury is on the head and that injury cannot be attributed to the present applicants, and therefore, they be released on bail, since they are behind bars from 29.05.2025.

5. Learned A.P.P. vehemently opposes the application and submits that there are three accused persons involved in the crime. The first information report was registered by the grand son of the deceased, as there was a dispute in relation to landed property, applicants along with others have assaulted the deceased with the help of axe. It is alleged that Satish Somu Salame, has assaulted the deceased with axe on his head. She further submits that there are eye witnesses to the incident. Admittedly initially an offence under Section 118[2] of the BNS was registered and thereafter as the victim expired, Section 103[1] came to be added. My attention is invited to the postmortem report, wherein only one injury is shown at the left temporal region on the scalp and cause of death is shown as 'head injury'. Therefore, according to her, though applicants have assaulted with the help of wooden log

of the axe and kicks, they are equally responsible for the death of the deceased, and their application needs to be rejected.

6. Upon hearing the learned Counsel for the parties it reveals that the first information report was lodged by grand son of the deceased. From the contents of the first information report it reveals that accused are close relatives of the deceased. It further reveals that a dispute arose in respect of landed property and the applicants along with others went to the agricultural field, wherein Satish has given blow by axe on the head of the deceased, whereas the applicant Godu has given blow on the back side with the help of wooden log attached to the axe and applicant Vikas has given kick blows. From injury certificate it appears that the injuries sustained by the deceased is on the head and on back side. Even the postmortem report shows cause of death as 'head injury'. In view of this, considering the role played by applicants in assaulting the deceased with the help of wooden log and kicks, the death is not caused by the assault on the part of the applicants. In this view of the matter, I am inclined to grant bail to them, hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) Applicants /accused Gondu Jeevan Salame and Vikas Somrao Salame be released on regular bail in connection with Crime No.108/2025 registered with Chikhaldara Police Station, Amravati Rural for the offence punishable under Sections 118[2], 3 [5] and 103[1] of the Bhartiya Nyaya Sanhita (BNS) on their furnishing P.R. Bond of Rs.50,000/- each 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 their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency.
- (vi) The accused shall attend each and every date of trial regularly. If they fail to attend the trial for one date, or fails to comply with the aforesaid

conditions, their 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

-