



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

CRIMINAL APPLICATION [B.A.] NO. 137 OF 2026

Nitin S/o Mahadeo Thakre

-- VERSUS --

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. Tejas S. Deshpande, Advocate for the Applicant.

Ms. M.H. Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 18, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.51/2024 for the offence punishable under Sections 302, 34 and 120-B of the Indian Penal Code, 1860, IPC, registered with Police Station Tamgaon, District Buldhana.

3. F.I.R. is lodged by Pralhad Deolkar, alleging that on 27/02/2024, at 09:00 a.m., one Sonaji Deolkar informed the informant that Gajanan Deolkar – deceased is lying on the road attached to farm of one Sadashiv Wankhede. On reaching the spot, it was found that deceased had sustained head injury and both of his legs were tied, and therefore, the F.I.R. was lodged against the accused persons as few days before on 02/02/2024, Dhyaneshwar Kale

and present applicant had asked to caught hold of the deceased and kill him. It is further alleged that there was a previous dispute over encroachment of land.

4. The learned counsel appearing for the applicant submits that there are only two incriminating circumstances in the entire charge-sheet. The first incriminating circumstance is the recovery of the weapon having blood stains, i.e., three sticks at the behest of applicant. The second circumstance is the clothes of the applicant which are having blood stains. Apart from these there are no other incriminating circumstance. He further submits that only on the basis of earlier complaint lodged by the deceased against the applicant and other co-accused, the applicant was arrested. According to him, the material collected by the Investigating Agency is not sufficient to connect the present applicant with the alleged offence, and therefore, prayed to grant bail.

5. On the other hand, the learned A.P.P. also conceded this fact that apart from these two circumstances, i.e., recovery of clothes and the recovery of weapons, there are no other incriminating circumstances. She further submitted that considering the earlier rivalry and the fact that earlier complaint was filed by the deceased stating that he is having apprehension that the present applicant and

others will kill him, therefore, according to her, the applicant had strong motive against the deceased and with further two circumstances as stated above, those are sufficient to connect the present applicant with the crime, and therefore, she prayed to reject the bail.

6. I have considered the rival submissions. It appears from the arguments advanced by the parties that apart from these two circumstances there is no other circumstance. The recovery was made after 4 days of the arrest of the applicant and further the clothes which are seized by the police agency, are having blood stains. This Court has already granted bail to two co-accused persons, total 3 accused persons are involved in the crime including the present applicant. I have perused the earlier orders passed by this Court. So far as the case of the present applicant is concerned, admittedly, there are two incriminating circumstances which are narrated above, apart from the motive. However, considering the nature of material collected by the Investigating Officer and further the applicant is behind bar since 27/02/2024, i.e., more than two years, and till today, charges are also not framed, and therefore, considering all these facts, I am inclined to grant bail to the applicant by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Nitin s/o Mahadeo Thakre) be released on regular bail in connection with Crime No.51/2024 registered with Police Station Tamgaon, District Buldhana, for the offence punishable under Sections 302, 34 and 120-B of the Indian Penal Code, 1860, IPC, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one solvent 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) The 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 entail the State to ask for cancellation of

bail or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN