

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

CRIMINAL APPLICATION (BA) NO. 157/2026

(Bhushan Ashok Thakare Vs. 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

Ms. Sunita Kulkarni, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.
DATED : 23/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.536/2024 registered with Police Station Dhantoli, Nagpur for the offences punishable under Sections 103(1), 3(5), 112(2)(C) of the Bhartiya Nyaya Sanhita.

3. The prosecution story is that, the Police Head Constable - informant Subhash, while on duty at Dhantoli Police Station, received information on 28.12.2024 that an unknown person is lying in unconscious condition, with blood on his body, on cement road at Kumbhar Toli area. The informant with another police staff went to the spot and noticed an unknown person was lying in unconscious condition with injury on his chest by some sharp weapon. In the close circuit television Footage of the nearby Gopal

Grocery shop, it revealed that 2 to 3 unknown persons seated in an auto rickshaw had assaulted the said injured person by sharp weapon and pushed him out of the said rickshaw. Thereupon, the said injured person collapsed and thereafter died at the spot. On the basis of said information, the FIR was registered on 28.12.2024.

4. The learned counsel appearing for applicant alleges that the present applicant along with others killed the unknown person in order to rob him. The learned counsel further argued that though in the CCTV footage, the incident has been captured, however, the Investigating Agency has failed to identify the accused persons. She submits that only on the basis of the statement of co-accused, namely Shravan Jogne, the applicant has been named as an accused. So far as the alleged recovery of knife which was recovered at the behest of the present applicant, the same cannot be believed for the reason that no blood stains were shown on the knife and the recovery was made after six days. She further submits that though there are faint stains on the knife, however it is very difficult to believe that recovery. Except the recovery and the disclosure statement of the co-accused which is

inadmissible, there is nothing on record. The very fact of identification even from CCTV footage has not been done by the Investigating Officer, therefore there is no connecting circumstance in order to implicate the present applicant in the crime. The applicant is in Jail since 30.12.2024 and therefore in the absence of cogent material against the applicant, he be released on bail

5. On the other hand, the learned APP has submitted that one unknown person was taken in the auto-rickshaw in order to rob him. However, as nothing was found, the present applicant along with the other co-accused killed the deceased by stabbing him. The said incident was captured in the CCTV footage. She submits that it is very difficult to identify the accused person from the CCTV footage, however, whether their photographs in order to match with the CCTV footage from different angles were sent to the forensic lab or not, she is not aware of this fact, therefore she submits that the only on the basis of disclosure statement of co-accused, the present applicant was made accused and further there is recovery was made at the behest of the present applicant, wherein knife was recovered having blood stains, though it is faint. Even the

CA report is yet to be received. The learned APP submits that now the charges are framed and the bail application may be rejected.

6. Upon consideration of rival submissions, admittedly, it appears from the record that incident was captured in the CCTV footage. However, whether the present applicant was identified from the CCTV footage or not has not been pointed out to me, meaning thereby whether the present applicant is the same person who was seen in the CCTV footage along with other co-accused is not clear. Further, it is to be seen that when the investigation was conducted, initially the auto driver namely Shravan Jogne was arrested who is accused No.1 and on his disclosure, the present applicant and other co-accused persons are arrested. However, said statement is inadmissible. So far as the recovery part is concerned, after the arrest of the applicant, the recovery of knife was made. However, it is not clear whether there are blood stains or not. Admittedly, the recovery was made after six days from the alleged date of incident. There are no criminal antecedents, therefore considering this nature of material, the fact that the applicant is behind bar since

30.12.2024, now the investigation is complete and charges are framed. I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Bhushan Ashok Thakare be released on bail in connection with Crime No.536/2024 registered with Police Station Dhantoli, Nagpur for the offences punishable under Sections 103(1), 3(5), 112(2)(C) of the Bhartiya Nyaya Sanhita on furnishing P.R. Bond of Rs. 25,000/- each 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.

(M. M. NERLIKAR, J.)