

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

CRIMINAL APPLICATION (BA) NO. 164/2026

(Vicky S/o Umesh Shende 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

Mr. T.U. Tathod, Advocate h/d Mr. P.M. Khan, Advocate for
 applicant.

Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 05/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 182/2025 registered with Police Station Nandgaon Peth, Amravati, Dist. Amravati for the offence punishable under Sections 103(1), 115(2), 118(1), 191(3), 190 of the Bhartiya Nyay Sanhita.

3. The brief facts of the prosecution story is that on 31/05/2025, at about 3:00 pm when the informant was returning to his home from his work that time his brother Suraj Divakar Savate (deceased) was proceeding via Moped along with Vicky Dara Khandkar and Chetan Shende towards Rahatgaon Road. When he was taking rest after having meal at 4:30 pm, the informant heard the voice of crying of his mother and upon inquiry he came to

know that his brother was stabbed at Siddhant Bar and accordingly he went to the said place and came to know that his brother was taken to Irvin Hospital. Upon reaching the Hospital, he came to know that, his brother was declared dead and his body is kept at mortuary. The informant noticed injuries over the back, head, hand and chest of the deceased. Thereafter, the informant went to Siddhant Bar, and verified the CCTV footage and noticed Sunil Wankhade, Dipak Nistane, Rohit Khandare, Vicky Shende and Akshay Chavhan were attacking the deceased, accordingly on the aforesaid basis, the offence came to be registered.

4. The learned counsel for the applicant submits that the applicant has been falsely implicated in the crime. Only on the basis of the CCTV footage, the applicant was implicated in the crime. The FIR was registered by the brother of the deceased Suraj alias Savatya and after watching the CCTV footage the informant, has named the applicant along with others in the FIR. However, he submits that none of the witnesses have named the present applicant. He further submits that the identification parade was carried out, however, neither the informant nor other

witnesses have identified the applicant therefore, he submits that a false case has been registered against the applicant.

5. On the other hand, the learned APP submits that the incident was captured in the CCTV footage and the hard disk of the said CCTV footage was seized. She further submits that the name of the applicant is disclosed by the informant in the FIR after watching the CCTV footage. She submits that there is no transcript of the CCTV footage or the pen drive containing CCTV footage. However, in the FIR itself, the name of the applicant is disclosed and therefore it is sufficient to connect the applicant with the crime, therefore prays to reject the bail application.

6. I have considered the rival submissions. I have gone through the FIR which was lodged by Satish Savate who is the brother of deceased Suraj alias Savatya. In the FIR, the name of the present applicant is disclosed. However, it nowhere suggests that the present applicant has assaulted the deceased with the help of knife. It is further to be noted that so far as the postmortem report is concerned, there are three stab injuries shown and the

cause of death is complications following multiple injuries. Admittedly, it appears that though the name of the applicant appears in the FIR, however, the informant has not been able to identify the applicant in the test identification parade. It is further to be noted that though the hard disk was seized by the Investigating Officer, neither the transcript nor the pen drive of the said CCTV footage was placed. However, the learned APP submitted that that they have communicated with the cyber cell as there was some technical issue with the hard drive. They were not able to access the CCTV footage. It is surprising that since last 10 months, no effort was taken to access the CCTV footage considering the importance of electronic evidence in today's era. It was expected that the Investigating Officer to take pains in view of the fact that the applicant was not identified in the test identification parade. However, the Investigating Officer has not done anything except communicating with the Cyber Cell. Even after going through the statements of witnesses, those statements nowhere state the name of the applicant. Though the incident took place in the hotel as well as outside the hotel, persons like waiter and others have not

named the present applicant.

7. Considering the nature of material, and that the applicant is behind bars since 01/06/2025, there are no criminal antecedents and the fact that the Investigation is complete and charge-sheet is filed, I am inclined to grant the bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Vicky S/o Umesh Shende, be released on bail in connection with Crime No. 182/2025 registered with Police Station Nandgaon Peth, Amravati, Dist. Amravati for the offence punishable under Sections 103(1), 115(2), 118(1), 191(3), 190 of the Bhartiya Nyay 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.

(M. M. NERLIKAR, J.)

Gohane