



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

CRIMINAL APPLICATION [B.A.] NO. 734 OF 2025

Ratilal Ramlal Mavaskar

-- 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. S.A. Kanetkar, Advocate for the Applicant.

Mr. V.A. Thakre, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 17, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.426/2023 for the offence punishable under Sections 302, 326 and 504 of the Indian Penal Code, 1860, IPC, registered with Police Station Dharni, District Amravati.

3. The First Information Report was lodged by one Ravindra Mavaskar, who is nephew of the deceased, alleging that the motorcycle of the applicant was not brought back by the informant, as on the earlier day, both went on the same motorcycle, and as the petrol was finished, the motorcycle was parked at the residence of a relative of the informant. On that trivial ground, a scuffle took place between applicant and informant and deceased went to pacify

when the applicant threw stone on the person of the deceased, which hit him on the chest, due to which the deceased fell down on head on the stone, resulting in his death.

4. The learned counsel appearing for the applicant submits that there is no intention on the part of the applicant as he had only hit on the chest with the stone, however, the deceased fell down, due to which he sustained injury on his head. He has invited my attention to the post-mortem report, wherein the cause of death is shown as head injury. He further submits that there are consistent statements which goes to show that the stone was hit by the applicant on the chest and not on head, and therefore, he had no intention to commit murder of the deceased. As the applicant is in jail since 29/07/2023, and now the investigation is over and there is no substantial progress in the trial, therefore, prayed to grant bail.

5. On the other hand, the learned A.P.P. invited my attention to the allegations in the First Information Report, wherein it was specifically stated that the applicant has given blows with the help of stone, due to which, the applicant fell and succumbed to injuries. He further invited my attention to the statements of the eyewitness recorded under Section 161 as well as under Section 164, wherein according

to learned A.P.P., all the witnesses are consistent in showing the role of the present applicant, i.e., hitting the deceased on the chest with a stone. Therefore, the learned A.P.P. submits that the applicant has caused the death of deceased which has been witnessed by eye witnesses, and therefore, he may not be enlarged on bail.

6. Upon hearing the learned counsel for the applicant as well as the learned A.P.P., admittedly, the nephew of the deceased has registered the F.I.R. It appears that a scuffle between the applicant and the informant took place as the informant did not bring back the motorcycle from his relative's place. A day before the incident, the informant along with applicant had taken the motorcycle and motorcycle has run out of petrol, and therefore, it was parked at his relative's place. On this trifle issue, scuffle erupted and the applicant has thrown stone on the person of the deceased, which hit the chest of the deceased and fell down on the stone / cement road due to which there was head injury which has resulted into his death. After perusal of the statements of eyewitnesses, it appears to be consistent with the story narrated in the First Information Report, that the applicant had given blow on the chest with the help of stone. Admittedly, stone has not hit the head of the deceased, and therefore, considering the

nature of allegations and the fact that the applicant is behind bar since 29/07/2023, and now the investigation is over and charge-sheet is filed, I am inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Ratilal Ramlal Mavaskar) be released on regular bail in connection with Crime No.426/2023 registered with Police Station Dharni, District Amravati, for the offence punishable under Sections 302, 326 and 504 of the Indian Penal Code, 1860, IPC, on his furnishing a PR. 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]