

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

CRIMINAL APPLICATION (BA) NO. 842/2025
(Dalit Sukhdeo Jadhav 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. Sanket Joshi, Advocate (appointed) for applicant.
Mr. A. R. Chutke, Advocate for non-applicant/State.

CORAM: M. M. NERLIKAR, J.
DATED : 20/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.299/2024 registered with Police Station Andhera, Buldhana for the offence punishable under Sections 103(1), 109 of the Bhartiya Nyaya Sanhita, 2023 ("BNS")

3. The prosecution story in short, is that the informant Sarita Jadhav filed the FIR stating that she and her husband-Nana Jadhav were doing labour work. On 29.10.2024 at about 8.30 p.m., when she was present in her house, she came to know from her brother-in-law Sandip Jadhav that the applicant Dali Jadhav had assaulted her husband Nana Jadhav in front of Krushi Kendra of Ashok Thutte. So, she rushed to the spot, where she saw that and her husband Nana Jadhav was lying in

unconscious condition andd had received injuries on forehead. The father-in-law Siddharth Jadhav and her brother in-law Sandip and Shubham took her husband in Cruiser vehicle to Khandagale hospital of Chikhli. On next day i.e. on 30.10.2024 at about 10.00 a.m., her husband regained senses, at that time, on inquiry, he told that on the earlier night at 8.30 p.m., when he was having with Kishor Jadhav on count of labour charges, at that time, applicant came over there and asked her husband to accompany him for consuming liquor, which he refused him. At that time, the applicant caught hold of victim's neck from behind and throw him to on the floor and gave kicks on his back. As there was no improvement, he was taken to J.J.Plus Hospital of Chhatrapati Sambhaji Nagar for further treatement. On examination, it was found that there was fracture to the neck and waist of the husband of informant. Based on these allegations, FIR was lodged against the applicant.

4. The learned counsel appearing for the applicant submits that initially offence under Section 109 of the BNS was registered on 02.11.2024, however as the deceased died on 24.12.2024 Section 103(1) of the BNS was added.

He submits that the FIR was registered by wife of the deceased and it is alleged that the present applicant had asked the deceased to accompany him for consuming liquor, however deceased declined, therefore the applicant came from behind, caught hold deceased and threw him on the ground. He submits that there was no intention on the part of the applicant to commit the offence. However he submits that after taking treatment for about more than one month, the deceased died on 24.12.2024. He submits that considering the cause of death is heart-attack, therefore the allegation of murder cannot be attributed to the applicant. He further submits that even if the allegations are taken as it is on face value, the offence of murder cannot be attributed to the present applicant, therefore he submits that he be released as he is in Jail since 02.11.2024.

5. On the other hand, the learned APP vehemently opposes the application and submits that the act of the applicant that he caught hold the neck of the deceased and threw him on the floor which has resulted into breaking of the spinal cord of the deceased the same is sufficient to invoke Section 103 of the BNS. He submits that there are

three eye witnesses to the incident, also the incident was captured in the CCTV footage, therefore it cannot be said that the case would not fall under Section 103 of the BNS. According to him, though the cause of death was shown as cardio respiratory arrest due to myocardial infraction, however the fact remains that this was caused due to the breaking of the spinal cord. He submits initially the deceased was taken for treatment at Chikhli Hospital, thereafter he was shifted to Chhatrapati Sambhaji Nagar. However, as there was no improvement in the health of the deceased due to the attack by the applicant, Ultimately, it resulted into death of the deceased on 24.12.2024. Therefore, he submits that the applicant does not deserve to be enlarged on bail.

6. I have considered the rival submission. I have gone through the first information report as well as the statement of the deceased, where it is specifically stated that the applicant had insisted the deceased to accompany him to consume liquor, however when the deceased declined, the applicant came back and he caught hold of the neck of the deceased and threw him down on the floor, due to this, it appears that the spinal cord of the applicant

was broken, however though he has taken treatment at various hospitals right from Chikhli till the J.J. hospital, Chhatrapati Sambhaji Nagar, however he died due to cardio respiratory arrest due to myocardial infraction. Admittedly, the said incident was captured in the CCTV footage as well as there are witnesses to the incident. It appears that though the applicant has caught-hold the neck and thrown him on the ground, however from the entire dying-declaration, I do not find that the applicant intended to commit the murder of the deceased.

7. Considering the fact that, the applicant is in Jail since 02.11.2024, investigation is over and charge-sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Dalit Sukhdeo Jadhav be released on bail in connection with Crime No.299/2024 registered with Police Station Andhera, Dist. Buldhana for the offence punishable under Sections 103(1), 109 of the BNS 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.

(vi) Fees of the appointed counsel be quantified and paid as per Rules.

8. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)

Gohane