

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

CRIMINAL APPLICATION NO.965 OF 2025

Ghanshyam s/o Shivilal Achale

..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

Shri Y.P. Bage, Advocate for the applicant.
Ms P.C. Bawankule, APP for the State.

CORAM: M.M. NERLIKAR, J.
DATE : 02.02.2026.

Heard.

2. By way of this application, the applicant is seeking regular bail in connection with Crime No.58 of 2020 registered with Korchi Police Station, District Gadchiroli for the offence punishable under Sections 149, 148, 147, 143, 353, 307, 120B of the Indian Penal Code, 1860, Sections 28 and 5 of the Arms Act, 1959 and Section 135 of the Bombay Police Act, 1951.

3. The FIR has been lodged by the Police Sub Inspector Premkumar Dandekar alleging the involvement of the present applicant in the naxal activities, based on the confessional statement of the present applicant. It is alleged that when the informant on 07.10.2020 was on pre-planned drive against the Naxal along with other police officers, there was open firing by the naxal group, when the police asked to naxal group to throw away their weapons and surrender. There was also counter firing by the police. On this basis the PSI has lodged the FIR against various persons.

4. Learned Counsel for the applicant submits that in the entire charge-sheet, absolutely there is no material against the present applicant except the confessional statement, which is inadmissible. And therefore, the applicant be enlarged on bail as he is in jail since 2021. Learned Counsel for the applicant also submits that the applicant will reside in Gadchiroli and submit the local surety.

5. On the other hand, the learned APP vehemently opposes the application. Learned APP fairly submits that except confessional statement, there is no material in the charge sheet against the present applicant. However, after the arrest of the present applicant, the activities of naxalists are somewhat reduced. Considering his confessional statement, he may not be granted bail.

6. After considering the rival submissions, admittedly, it appears that the present applicant was arrested in the naxal activity at Balaghat, State of Madhya Pradesh. So far as the present case is concerned, present applicant was arrested on the basis of his confessional statement which was recorded during interrogation in Crime No.20/2019 in Police Station, Purada. Except this there is no other material against the present applicant. The investigation is over and charge-sheet has been filed. The applicant is behind the bar since 03.09.2021 and in view of the nature of material collected by the investigation agency, I am inclined to grant bail on the following terms and conditions.

(a) The application is allowed.

(b) The applicant/accused Ghanshyam s/o Shivilal

Achale in connection with Crime No.58 of 2020 registered with Korchi Police Station, District Gadchiroli be released on bail on furnishing P.R. bond of Rs.50,000/- with two local surety of Gadchiroli in the like amount.

- (c) 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.
- (d) 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.
- (e) The applicant/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.

7. The observation of this Court are *prima facie* in nature and the Trial Court shall not be influenced by the same.

(M.M. NERLIKAR, J.)