

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

CRIMINAL APPLICATION (BA) NO. 1032/2025

(Gokul Harinarayan Budalkar Vs. The 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.V. Sirpurkar, Advocate for applicant.
Mr. A. R. Chutke, Advocate for applicant.

CORAM: M. M. NERLIKAR, J.

DATED : 16/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 250/2024 registered with the Police Station Mana, Tal. Murtizapur, Dist. Akola for the offence punishable under Sections 103(1), 109, 118(1), 326(f), 352, 115(2), 351(2) of the Bhartiya Nagarik Sanhita, 2023 ("BNS").

3. The brief facts of the prosecution story is that on 16.09.2024, the informant heard anguished voice from the applicant's residence, he went to see who is fighting in the house. When the informant and his wife intervened to save the deceased (who is applicant's father), they were beaten with fist and blows, so also abusive language was used against them. It is further alleged that at that time, the

applicant threw bricks towards the informant and his wife and injured them. Based on the aforesaid information, First Information Report ("FIR") came to be lodged against the applicant.

4. The learned counsel appearing for the applicant submits that the neighbor of the present applicant has registered the offence alleging that on 16.09.2024, the applicant assaulted his father with the help of a stick. He has also alleged that the applicant has assaulted the informant and his wife with the help of a brick on the count that they interfered in the quarrel between the father and son. It appears from the record that the deceased was admitted in the hospital on 16.09.2024 till 20.09.2024, again he was admitted on 23.09.2024 and he was discharged on 29.09.2024. The applicant was arrested on 21.09.2024. However, initially the report was registered under Sections 118 (1), 326 (f), 352, 115(2), 351(2) of the BNS, later on it appears that as the father died on 17.11.2024, accordingly 103(1) of the BNS was added.

5. On Perusal of the entire charge-sheet, admittedly it appears that the statement of the deceased was not

recorded in spite of the fact that he was discharged on 29.09.2024. The learned counsel appearing for the applicant submits that there is no allegation that after discharge, the applicant has again assaulted deceased-father. Investigation shows that the informant who is the neighbor of the applicant has registered the FIR and he has only stated that there was quarrel between the applicant and his father. However, as the informant has intervened in their quarrel, he was given blow with the help of brick on the head by the applicant. Perusal of the injury certificate of the informant shows that near about five injuries are on person. All these injuries are shown to be simple. Even on the person of the wife of the informant, there is one injury that too is simple in nature. Upon Perusal of the postmortem report of the deceased, it appears that he died due to head injury and therefore he submits that considering the fact that the deceased was discharged from the hospital on 29.09.2024 and he died on 17.11.2024 when the applicant was in the jail, no offence of murder is attributable to the applicant.

6. On the other hand, the learned APP vehemently opposes the application and invited my attention to the

statements of the eye witnesses, where they have specifically stated that the applicant has assaulted his father with the help of stick. The postmortem report shows that the cause of death is head injury. He submits that considering the seriousness of the offence and the fact that there are eye witnesses, the applicant does not deserve the bail, therefore requested to reject the application.

7. I have considered the rival submissions. Admittedly, the first informant is the neighbor who has intervened in the quarrel between father and the present applicant (son). It further appears that due to intervention of informant, the applicant has assaulted the informant and his wife with the help of brick on his head. Admittedly, the incident took place on 16.09.2024. So far as the informant and his wife's injury certificates are concerned, all injuries are simple in nature. It is an admitted position that the deceased who is the father of the applicant was admitted in the hospital on 21.09.2024 and he was discharged on 29.09.2024. Admittedly, the father died on 17.11.2024. Considering this fact that after the discharge from the hospital, the father died after two

months, however even after discharge, no statement of the father was recorded by the Investigating Agency. As could be gathered from the record that the applicant was arrested on 21.09.2024 and the father was discharged on 29.09.2024. Under such circumstances, prima facie it appears that when the applicant was in Jail, the father died two months after the incident that too at his own house. The deceased died by the same injury which was inflicted by the applicant or not is not clear. Considering this fact and the fact that the applicant is in Jail since 21.09.2024, 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 Gokul Harinarayan Budalkar be released on bail in connection with Crime No. 250/2024 registered with the Police Station Mana, Tal. Murtizapur, Dist. Akola for the offence punishable under Sections 103(1), 109, 118(1), 326(f), 352, 115(2), 351(2) 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) The applicant/accused should not reside within the vicinity of village Khaparwada, Tal. Murtizapur, Dist. Akola.

6. 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.)