

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

CRIMINAL APPLICATION (BA) NO. 1106/2025
(Khumesh @ Baba S/o Oma Raut 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. N.R. Tekade, Advocate for applicant.
Mr. A. A. Madiwale, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 04/02/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.58/2025 registered with Police Station Duggipar, Gondia for the offence punishable under Section 103(1) of the Bhartiya Nyaya Sanhita, 2023.

3. It is alleged in the First Information Report ("FIR") that on 22.02.2025 at about 2.00 p.m. the younger brother of the informant went to meet his wife at Darwa, District Gondia at around 5.00 p.m. The informant received a call stating that due to some altercation between the younger brother, father-in-law and brother-in-law at the house of wife, Darwa, younger brother is taken to Primary Health Center ("PHC") Darwa. The informant went to meet him at K.T.S. Gondia. The informant came to know that the parents and brother of his wife assaulted him as he went to

meet his wife. Subsequently, on 23.02.2025 around 12:35, the informant's younger brother succumbed to injuries and accordingly, FIR came to be filed on 23.02.2025.

4. The learned counsel appearing for the applicant submits that the deceased was his brother in law and he was harassing his sister. The sister was at the applicant's house since last three years. On the day of incident, the deceased came to the house of the applicant and there was quarrel with the father of the applicant. The applicant took out rod and inflicted blows on the head of the deceased to which injuries, the deceased succumbed in the hospital. The learned counsel appearing for the applicant submits that there was no intention to kill the deceased being the brother-in-law. He further submits that he was annoyed by the fact that deceased was not taking his sister to his house as the sister was at the matrimonial house itself, therefore he submits that considering the nature of allegations, the applicant be released on bail.

5. On the other hand the learned APP vehemently opposes the application and submits that there are eye witnesses to the incident. He submits that the postmortem

report shows eight injuries on the body of the deceased. The cause of death is reserved. He further submits that forceful blow was given by the applicant on the head of the deceased due to which he died. Considering the gravity of the offence, this is not a fit case to grant the bail.

6. I have heard the learned counsel for the applicant and the learned APP. I have also gone through the material placed before me. Apparently, it appears that on 22.02. 2025, deceased went to the house of the present applicant, wherein there was scuffle between the father-in-law and the deceased. It appears that the sister of the present applicant was harassed by the deceased and therefore she was residing at the matrimonial house since three years. Due to these factors, the applicant was annoyed and during scuffle, gave a blow on the head of the deceased and therefore the deceased has sustained injuries. Considering the nature of allegations and under the circumstances in which the applicant has committed the offence. Further, as the investigation is over 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 Khumesh @ Baba S/o Oma Raut be released on bail in connection with Crime No.58/2025 registered with Police Station Duggipar, Gondia for the offence punishable under Sections 103(1) of the Bhartiya Nyaya Sanhita, 2023 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.)