

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

CRIMINAL APPLICATION (BA)NO. 1228/2025

(Ritik S/o Raju Shelkar 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

Ms. Suita Kulkarni, Advocate for applicant.
Mr. D.V.Chavhan, Government Pleader assisted by Mr. A.A.
Madiwale, APP for non-applicant/State

CORAM: M. M. NERLIKAR, J.

DATED : 19/01/2026.

Heard the learned counsel appearing for the applicant and the learned APP for non-applicant No.1/State. I have perused the record placed before me which is in the nature of charge-sheet.

2. By the present application, the applicant is seeking bail in connection with Crime No.262/2024 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 143, 147, 148, 149, 302, 120-B of the Indian Penal Code and Section 4/25 of the Arms Act and Section 3(1)(ii), 3(2), 3(4) of the Maharashtra Control of Organised Crime Act ("MCOC").

3. The FIR is lodged by the father of the deceased alleging that on 25.04.2024 at around 11.00 p.m., he was informed by his son's friends that his son was getting beaten by some person. When he asked to the spot, he saw Rajat, Kartik, Nitesh and Sunanya holding weapons with sword, knives etc. assaulting the deceased. When the informant tried to intervene, he was also pushed down. Therefore, the accused persons ran away. Due to various injuries sustained by the deceased, he was declared dead upon reaching the hospital

4. Admittedly, FIR was registered on 26.04.2024 and the charge-sheet was filed on 19.08.2024 invoking the provisions of MCOC Act. The applicant was arrested on 08.05.2024.

5. The learned counsel of the applicant submits that the name of the applicant does not appear in the FIR. Even, there is no mention name of the applicant in the statement recorded under Section 164 of the Code of Criminal Procedure ("Cr.P.C.") witnesses. There is also no weapon recovered. If it is assumed that the present applicant was present, then also there was no overt act on

his part. So far as ajat @ Chiku @ Tinku Sidharth Ganvir is concerned, he was granted bail by this Court by order dated 24.09.2025 in Criminal Application No. 837/2025. The present applicant is also standing on the same footing. She further submits that even the Trial Court granted bail to one Rohit Shamrao Katole who was identified during the identification parade.

6. On the other, the learned Public Prosecutor vehemently opposed the application and submits that the conditions laid in Section 21(4) of the MCOC Act for grant of bail are not made out. There is ample evidence against the applicant since of inception of commission of the crime. He invited my attention to various statements, wherein the name of the present applicant appears. He also invited my attention to the statement recorded under Section 164 of the Cr.P.C., wherein three witnesses have taken name of the present applicant, therefore he prays to reject the bail.

7. Upon careful perusal of the entire evidence, admittedly, the applicant's name does not appear in the FIR which was registered by father of deceased. Upon perusal of the entire charge-sheet, only name of the

present applicant appears in the statement, however there is no overt act on his part. Further, it could be gathered that though in the identification parade, the applicant was identified. This Court while passing the order has considered the entire record and granted bail on 24.09.2025 to similarly situated person Rajat @ Chiku @ Tinku Sidharth Ganvir in Criminal Application No.837/2025. It further appears that another accused Rohit Shamrao Katole was also granted bail by the Special Judge (MCOC Act) and Additional Sessions Judge-1, Nagpur. Considering the fact that this Court has already observed that only on the basis of Section 21 of the MCOC Act, the bail cannot be rejected. In the present case, the name of the present applicant does appear, however it is very difficult to pin point the role attributable to the applicant. Further, no overt act is attributed. Under such circumstances, I am inclined to grant bail considering the fact that this Court as well as Trial Court has granted bail to similarly situated the accused persons on the same terms and conditions, the present application is allowed.

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) Accused/applicant Ritik Raju Shelkar be released on bail in connection with Crime No.262 of 2024 registered with Police Station Ajni district Nagpur for the offences punishable under Sections 143, 147, 148, 149, 302 and 120-B of the Indian Penal Code r/w Sections 4/25 of the Arms Act, and under Sections 3(1) (ii), 3(2) and 3(4) of the MCOC Act on his furnishing P.R. Bond of Rs. 25,000/- with one surety in the like amount.
- (iii) The applicant shall not enter into the village, where the witnesses are staying.
- (iv) The applicant shall not in any way tamper with the prosecution evidence.
- (v) The applicant shall not pressurize or threaten the prosecution evidence.
- (vi) The applicant shall co-operate the investigating officer.

(M. M. NERLIKAR, J.)