



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR.**

**CRIMINAL APPLICATION [BA] NO. 1255 OF 2025.**

Prakash Gunwant Poharkar

**-VERSUS-**

State of Maharashtra

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri B.A. Barthe, Advocate for the Applicant.  
Shri A. Mate, A.P.P. for the Non-applicant/State.

**CORAM : M.M. NERLIKAR, J.**

**DATE : FEBRUARY 03, 2026.**

Heard.

2. The applicant came to be arrested on 07.06.2025 in connection with Crime No.141/2025 registered with City Police Station, Akola for the offence punishable under Sections 109 [1] and 352 of the Bhartiya Nyaya Sanhita, 2023 (BNS).

3. The first information report is lodged by Police Head Constable Surendra Dabhade on behalf of Chandrashekhar Gawande, alleging that Shri Gawande is residing alone and in front of his house, the applicant is

residing. On 09.05.2025, when the applicant was standing near a betel shop, nephew of applicant took out tobacco pouch from the pocket of Gawande, and went away. Therefore, the informant asked the applicant to call upon his nephew to return his tobacco pouch, on which the applicant verbally abused him and poured petrol on his legs and ignited fire. Gawande was successful in extinguishing the fire, but, thereafter, the applicant poured petrol on his head and chest and again set him on fire. Due to which he sustained serious injuries. Therefore the first information report came to be lodged.

4. The learned Counsel for the applicant submits that there was no intention on the part of the present applicant to commit the offence of attempt to murder. He submits that it was out of anger, he had initially poured petrol on legs and later on on entire body and set the informant on fire. However, as soon as he realized, he immediately tried to extinguish the fire in which both his hands got burnt. Thus, considering the nature of allegations and the fact that the applicant had no intention and was also injured in the said incident, he may be

released on bail.

5. On the other hand the learned A.P.P. submits that on a trifle issue, i.e. asking the applicant to call his nephew Rupesh to return tobacco pouch, the incident had taken place. The applicant was annoyed, and initially poured petrol on the informant's legs, however, that was extinguished, but, later on the applicant again poured petrol on entire body and ignited fire. This by itself is sufficient to infer that the applicant was having every intention to commit murder, and the later realization is of no use. He further submits that there are 40% burn injuries on the person of the victim. My attention is invited to the statement of various eye witnesses and lastly it is submitted that the applicant does not deserve to be released on bail, considering the gravity of the offence.

6. I have heard the rival submissions canvassed by the parties. Admittedly it appears that initially the applicant has poured petrol on the leg of the victim which was extinguished. Later on he has poured petrol on the head and chest and set the victim on fire. However, immediately it appears that the applicant himself tried to extinguish the fire and suffered

injuries to his hands. Till that time, the victim had suffered 40% burn injuries. Not only that there are also eye witnesses to the incident, but, considering the role which was played by the applicant at later point of time, and further the fact that the applicant is in jail since 07.06.2025, coupled with the fact that investigation is over, charge sheet is filed, I am inclined to grant the applicant bail. Hence, the following order.

### ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Prakash Gunwant Poharkar be released on regular bail in connection with Crime No.141/2025 registered with City Police Station, Akola for the offence punishable under Sections 109 and 352 of the Bhartiya Nyaya Sanhita, 2023 (BNS) on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.

- (iv) 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.
- (v) 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.
- (vi) The accused shall attend each and every date of trial regularly. Failure on his part to attend the trial for two consecutive dates, or to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

**JUDGE**