

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

CRIMINAL APPLICATION NO. 1294 OF 2025

Karan s/o Raju Hodgir

..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 R.M. Daga, Advocate for the applicant.
Ms T.H. Udeshi, APP for the non-applicant/State.

CORAM: M.M. NERLIKAR, J.

DATE : 09.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.52 of 2025 registered with the Sakardara Police Station, District Nagpur for the offence punishable under Sections 103(1), 118(1), 3(5), 238, 249 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 135 of the Maharashtra Police Act.

3. The mother of the victim has lodged the report on 17.02.2025 alleging that her son Kartik (deceased) was released from jail 3 months before. At about 12.50 am on 17.02.2025, it was informed to the informant that her son (deceased) Kartik was assaulted by the knife by some unknown person and the deceased shifted to the hospital, therefore informant rushed to the hospital and came to know that her son was died. One Rajesh Deshbratar informed her that one Roshan Gaikwad and his associates has committed murder of Kartik over some dispute, and therefore, she lodged the report against

them. On the basis of said report the crime came to be registered.

4. Learned Counsel for the applicant submits that on 21.02.2025, the statement of eye-witness namely Sohail Nasir Khan was recorded, which nowhere shows the role or any involvement of the present applicant in the alleged incident. The statement was recorded after 22 days of the registration of the offence. The statement of one Rajesh Mahadev Deshbratar has also recorded on 11.03.2025, wherein the role to the present applicant was assigned that he and one Satyashil Gajbhiye caught hold the hand of the deceased Kartik and main accused namely Roshan Gaikwad has given knife blows on the person of the deceased. Learned Counsel for the applicant submits that 22 days delay in recording the statement of Rajesh Deshbratar, has nowhere been explained. In fact, when the offence was registered by the mother of the deceased on 17.02.2025 i.e. on the date of incident itself, name of Rajesh Deshbratar appeared in the FIR stating that Rajesh has informed her about the assault made by Roshan and other co-accused with the help of knife. It is submitted that investigation is complete and charges-sheet has been filed. Considering the role played by the applicant, there is no recovery at the behest of the present applicant. Except for limited role of caught holding the hand of the deceased, there are no other allegations against the present applicant, even presuming for a moment the statement of Rajesh, there is no overt act on the part of the applicant, and therefore, the applicant deserves to be enlarged on bail.

5. On the other hand, learned APP opposes the application and invited my attention to the statement of Rajesh Deshbratar, which was recorded on 11.03.2025,, which shows that the present applicant and one Satyashil Gajbhiye caught hold the hand of the deceased Kartik. There were 10 injuries on the body of the deceased, which could be gathered from Column 17 of the Postmortem report, which showsn that there were 8 stab injuries and 2 contusion. Therefore, considering the statement of the eye-witnesses and fact that the present applicant played active role in the alleged incident, the applicant does not deserve to be enlarged on bail.

6. I have heard the rival submission and perused the record. Admittedly, mother of the deceased registered the FIR on the date of incident itself. Perusal of the statement of eye-witnesses namely Sohail Nasir Khan dated 21.02.2025, Rajesh Deshbratar and Shubham Dudhbarve dated 11.03.2025 goes only to show that the present applicant has caught hold the hand of the deceased and life threatening blows were given by main accused namely Roshan. In fact name of Rajesh Deshbratar was itself shown in the FIR and it was an obligatory on the part of the Investigating Officer to record his statement immediately. However it was recorded only after 22 days of the incident. In view of the fact that there was no serious overtact on the part of the applicant and the investigation is complete and charge-sheet has been filed, I am inclined to enlarge the applicant on bail. Hence the following order :

(a) The application is allowed.

- (b) The applicant/accused Karan s/o Raju Hodgir in connection with Crime No.52 of 2025 registered with the Sakkardara Police Station, District Nagpur be released on bail on furnishing P.R. bond of Rs.25,000/- with one or two sureties 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.
8. All Misc. Application(s), pending if any, shall also stands disposed of accordingly.

(M.M. NERLIKAR, J.)

