



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

**CRIMINAL APPLICATION [B.A.] NO. 1318 OF 2025**

Sanjay Dayaram Masram

-- VERSUS --

State of Maharashtra

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Mr. D.R. Bhoyar, Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

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

**DATE : JANUARY 14, 2026.**

Heard.

2. The present application is filed seeking regular bail in Crime No.549/2025 for the offence punishable under Sections 109 and 333 of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 25 of the Arms Act, 1959, registered with Police Station Seloo, District Wardha.

3. The allegations in the First Information Report are that on 23/06/2025 around 06:30 p.m., the informant who is victim's cousin brother along with 5 others including victim were sitting at victim's house when suddenly one person namely Sanjay Masram came with a sword and attacked the victim saying now he will kill him. So as to save the victim, the informant along with other persons caught hold of the applicant so as to take away the sword due to

which he got injured. Thereafter, the victim was taken to the hospital. It is further alleged that there was an ongoing dispute between the victim and applicant as the victim had initiated case of prohibition of alcohol in the village which was objected by the applicant. Even on a previous occasion, the applicant had gone to victim's home with an intention to kill him, however, first information report was not lodged at that time.

4. The learned counsel appearing for the applicant submits that the F.I.R. is a result of counterblast. Both the parties have registered the offence against each other. The learned counsel submits that the applicant was badly assaulted by the accused persons in the crime which was registered by the present applicant, sustaining several injuries. When the present F.I.R. was registered, he was not arrested, as the doctor had given advice that the present applicant was unfit for arrest, as there was fracture to left tibia fibula. He further submits that the sword was seized from the spot and there is nothing to be recovered from the present applicant. He submits that now the investigation is complete and the charge-sheet is filed and no purpose would be served by keeping the applicant behind bars.

5. On the other hand, the learned A.P.P. submits that the crime committed by the applicant is

serious in nature. He went to the house of other party and assaulted one Dnyaneshwar Iwante with the help of sword wherein the victim sustained injury of 7 x 1 x 1 cm at parietal region and injury of 5 x 1 x 1 at occipital regions of head. Though, the injuries are simple in nature, however, the fact remains that, the present applicant has used sword to inflict those injuries which is sufficient to attract Section 109 of BNS as the same was with an intention to cause death. He further submits that merely because the investigation is complete and charge-sheet is filed is not sufficient, as it is necessary to consider the gravity of the offence. Lastly, it was submitted that there is ample evidence against the applicant, therefore, the application be rejected.

6. I have heard the learned counsel for the applicant and the learned A.P.P., no doubt, the present applicant has went to the house of other party and assaulted one Dnyaneshwar Iwante with the help of sword on parietal as well as occipital regions of head. There is also injury certificate in support of that. However, the fact remains that even the other persons including informant has assaulted on the persons of the present applicant, wherein the present applicant has also sustained *“CLOSED DISPLACED FRACTURE BOTH BONE FOREARM RIGHT SIDE WITH CLOSED DISPLACED FRACTURE OLECRANON*

*PROCESS OF ULNA RIGHT SIDE WITH CLOSED DISPLACED FRACTURE SHAFT ULNA LEFT SIDE WITH CLOSED DISPLACED FRACTURE PROXIMAL TIBIA FIBULA LEFT SIDE*, and therefore, even the present applicant has registered the F.I.R. Considering the fact that the investigation is complete and charge-sheet is filed, no purpose would be served by keeping the present applicant behind bars because one does not know when the trial would commence. Considering the facts and circumstances, I am inclined to grant bail. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only. Hence, the following order:-

#### **ORDER**

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Sanjay Dayaram Masram) be released on regular bail in connection with Crime No.549/2025 registered with Seloo Police Station, District Wardha, for the offences punishable under Sections 109 and 333 of the Bharatiya Nyaya Sanhita, 2023, (BNS), and Sections 4 and 25 of the Arms Act,

1959, on his furnishing a 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) 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.

[ M.M. NERLIKAR, J ]