

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

CRIMINAL APPLICATION (BA) NO. 1372/2025

(Jayesh @ Tatya S/o Raju Gaikwad 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. P.M. Khan, Advocate for applicant.
Mr. A.R. Chutke, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 19/01/2026.

Heard the learning counsel appearing for the applicant and the learned APP for non-applicant/State.

2. By this application, the present applicant is seeking to grant bail in connection with Crime No. 461/2025 registered with Police Station Gadge Nagar, Amravati, Dist. Amravati for the offence punishable under Sections 103(1) read with Section 3(5) of the Bhartiya Nyaya Sanhita, 2023 ("BNS").

3. It appears that the FIR was registered by Shubham who is the brother of deceased. It is alleged that there was a quarrel between Himanshu and one another group. At that time Nikhil who was along with Gaurav tried to pacify the quarrel between Himanshu and other group. However, Himanshu got annoyed and took out the knife from his pocket and inflicted blow on the neck of the

deceased saying why he is interfering in their dispute to which the deceased succumbed to death. Based on these allegations, the FIR was registered.

4. The learned counsel appearing for the applicant submits that there is no overt act on the part of the present applicant. He was present on the spot along with Himanshu, however Himanshu has inflicted blow by knife on deceased Nikhil. Even the statements are taken as it is, no offence under Section 103 is attributed to the present applicant. He invited my attention to the statement of Gaurav, Sagar and Akash which do not implicate the present applicant.

5. On the other hand, learned APP vehemently opposes the present application and submits that though there is no overt act on the part of the present applicant, but, he has instigated the main accused Himanshu. This could be gathered from the statement of Gaurav. The statement of Gaurav itself is sufficient to show that it is applicant who has instigated the main accused and thereafter the blow of knife was given to deceased Nikhil. The injury inflicted by Himanshu has resulted into death of

deceased and further submits that as there is sufficient material against the applicant, the bail may not be granted.

6. Upon hearing the learned counsel for the applicant and learned APP, it appears that there was on going dispute between Himanshu and another group. Deceased Nikhhil, and Gaurav tried to intervene in the said dispute to pacify it, however abruptly Himanshu alias Dadu Raju Chatri has taken out the knife from his pocket and given the blow on the neck of deceased Nikhil which resulted into his death.

7. After perusal of the FIR and statements of all witnesses, it appears that the applicant has not played any overt act in the said incident. It further appears that statement of Gaurav Devidas Bodule was recorded after nine days from the date of the registration of FIR, wherein some overt act is shown against the applicant that he had instigated Himanshu, however other two witnesses are silent on this aspect.

8. Considering the fact that the investigation is over and charge-sheet is filed and the applicant is in Jail since 14.06.2025, I am inclined to grant bail, hence the

following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Jayesh @ Tatya S/o. Raju Gaikwad be released on bail in connection Crime No. 461/2025 registered with Police Station Gadge Nagar, Amravati, Dist. Amravati for the offence punishable under Sections 103(1) read with Section 3(5) of the BNS 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.)

Gohane