



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

CRIMINAL APPLICATION [BA] NO. 1391 OF 2025.

Jayant Bapurao Chakole.

-VERSUS-

State of Maharashtra

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

Court's or Judge's Orders

Shri M.R. Ali, Advocate for the Applicant.
Ms T. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 21, 2026.

Heard learned Counsel for the parties.

2. The present applicant came to be arrested on 24.08.2025 in connection with Crime No.566/2025 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 105, 117[2] and 351[2] of the Bhartiya Nyaya Sanhita.

3. The informant Nilesh Bhalavi is the friend of the deceased, who has lodged the report alleging that he along with his colleagues are engaged in the work of tile fitting and use to

reside together at site. On 22.08.2025 he along with his friends were called by the contractor for work at Kharbi, and after work they returned to Ayodhya mandir site, where they used to reside. At about 6 p.m. the deceased along with two others went outside, those two persons returned but, the deceased did not return. The deceased was in the habit of drinking liquor. At about 10 p.m., when he was sleeping on the third floor, he heard noise of quarrel and when he came down, he saw that one person who used to reside nearby was assaulting the deceased by fist blows. He was threatened by the applicant and therefore, he did not interfere. He called the house owner and thereafter saw that the deceased was lying on the road in unconscious condition. Police came there and took the injured to the hospital, later on he expired.

3. The learned Counsel for the applicant submits that there was no intention on the part of the applicant to cause death, however, he submits that the deceased entered in his house and abused in filthy language. He further submits that not only that, the deceased has abused mother of the applicant. The applicant has given fist blows. There was no intention and

therefore, considering the fact that the deceased has entered his house and abused him, in self defence he has given fist and kick blows. He further submits that the deceased was in drunken condition. He therefore, submits that the intention cannot be attributed and therefore, the offence under Sections 105, 117[2] and 351[2] of the Bhartiya Nyaya Sanhita are not applicable.

4. He further submits that even if the first information report is perused, it could be gathered that the deceased was in drunken condition and, further since charge sheet is filed, no purpose would be served by keeping the applicant behind bars. He therefore, prays for bail.

5. The learned A.P.P. vehemently opposed the application. She submits that if the post mortem report is perused, there are near about 14 contusions present on the person of the deceased. There are also hematoma on the face as well as on vital part of the body. No doubt, the applicant has given fist blows, and therefore, the offence is registered. She submits that the maximum punishment is of 10 years, there are eye witnesses to the incident, and therefore, the applicant does not deserve bail.

6. I have heard the learned Counsel for the parties. Admittedly the offence came to be registered under Sections 105, 117[2] and 351[2] of the Bhartiya Nyaya Sanhita. It further appears that the first informant is the friend of the deceased, and he stated that he has seen the applicant beating the deceased by fist blows. It further appears that near about 14 injuries are there on the person of the deceased and the cause of death is 'Head injury with blunt trauma chest'. No doubt there are eye witnesses to the incident, however, there are no allegations that apart from the fist blows, the applicant has used any weapon. Considering the fact that the applicant is behind bars since 24.08.2025 and the manner in which he has committed the offence, he deserves to be released on bail. Considering the fact that investigation is over and charge sheet is filed, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Jayant Bapurao Chakole

be released on regular bail in connection with Crime No.566/2025 registered with Hudkeshwar Police Station, Nagpur for the offence punishable under Sections 105, 117[2] and 351[2] of the Bhartiya Nyaya Sanhita on his furnishing P.R. Bond of Rs.25,000/- with one surety 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. 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.
- (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