



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

CRIMINAL APPLICATION [BA] NO. 1401 OF 2025.

Nandkishor Gambhirrao Deshmukh.

-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. Rai, Advocate for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 29, 2026.

Heard learned Counsel for the parties.

2. The applicant came to be arrested on 27.09.2024 in connection with Crime No.247/2024 registered with Sakharkheda Police Station, Buldhana for the offence punishable under Sections 103[1] and 115[2] of the Bhartiya Nyaya Sanhita (BNS), 2023.

3. The informant Radha Deshmukh is sister of the deceased. She has alleged that her sister, deceased Pragati got married to the applicant in the year 2013. The applicant used

to ill-treat her. They were having two children out of the wedlock. On 27.09.2024, the informant received a phone call from Ram Deshmukh, that a quarrel took place between the deceased and the applicant and they all need to come to her sister's house at Loni. While they were on the way to Loni, one Gajanan Deshmukh asked them to come to Sakharkheda Police Station. She was also informed that Pragati passed away and was taken to Government Hospital for postmortem. From the villagers she learnt that during quarrel, the applicant has stabbed her with a sickle. Hence, the aforesaid crime came to be registered.

4. The learned Counsel for the applicant submits that the applicant is in jail since 27.09.2024. He further submits that even if the allegations is taken as it is, the case would fall under exceptions 1 and 4 of Section 101 of BNS. Statement of minor son was recorded initially on 29.09.2023, wherein he has specifically stated that there was a scuffle between the applicant and the deceased, and the applicant has slapped her on cheek. Accordingly the deceased brought a sickle, the applicant took the said sickle from her and inflicted blows on

her person. He further submits that out of sudden quarrel, the incident has taken place and there was no intention on the part of the applicant to commit murder of his wife. It is submitted that it is the deceased who had instigated the applicant by bringing sickle, and the deceased herself has handed over the same to the applicant. He states that had it been the intention on the part of the applicant to cause murder of his wife, he would have himself brought the sickle and inflicted blows. Even considering the fact that there is prima facie case, considering the fact that the applicant is in jail since 27.09.2024, and the trial is yet to commence, the applicant deserves to be enlarged on bail.

5. The learned A.P.P. vehemently opposes the applicant by inviting my attention to the contents of first information report and the postmortem report, wherein as many as 9 injuries are shown, and the cause of death is shown as 'Hemorrhagic Shock'. He further submits that the statement of child witness was recorded under Section 183 of the BNS, which also goes to show that the applicant has inflicted blows on the deceased, therefore, considering the gravity of the

offence and the material collected by the investigating officer directly implicating the present applicant, he does not deserves to be released on bail, and thus prayed that the application be rejected.

6. After going through the material placed on record, admittedly it reveals that first information report was registered at the instance of one Radha, who is sister of the deceased. It also reveals that quarrel took place between the applicant and the deceased on petty count, during which the applicant slapped her and accordingly deceased has brought sickle, and it appears that with the help of sickle, the applicant gave blows on her person, because of which she suffered serious injuries and succumbed to the same.

7. In order to ascertain the stage of the trial, status report of the trial from the Court below was called, from which it is clear that recently on 16.01.2026 charge is framed against the accused. Considering the report and the allegations leveled against the applicant, and the fact that the applicant is languishing in jail since 27.09.2024, coupled with the fact that the 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 Nandkishor Gambhirrao Deshmukh be released on regular bail in connection with Crime No.247/2024 registered with Sakharkheda Police Station, Buldhana for the offence punishable under Sections 103[1] and 115[2] of the Bhartiya Nyaya Sanhita (BNS), 2023 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

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