



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

CRIMINAL APPLICATION [B.A.] NO. 1417 OF 2025

Santosh Hanuman Dhole

-- VERSUS --

The 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.

Ms. Rohini Pande, Advocate h/f. Mr. S.V. Sirpurkar, Advocate
for the Applicant.

Mr. V.A. Thakare, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 19, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.169/2025 for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Channi, District Akola.

3. The report was lodged by the brother of the deceased, namely, Suresh on 12/06/2025, alleging that the present applicant and one Vaibhav has assaulted the deceased Ramesh Nimborkar. It is alleged that, initially on 10/06/2025 at 03:45 p.m., a phone call was received from Santosh Pajai informing that his brother is lying in unconscious state. When he reached the spot of incident he found that his

brother has died. It is further alleged that on the day of incident around 01:23 p.m., he received a call from his brother saying that he was beaten by fist and kick blows by Santosh Dhole and Vaibhav Sahdev as he refused to give them alcohol. Based on these allegations, the F.I.R. came to be registered.

4. The learned counsel appearing for the applicant submits that the entire story of the prosecution is concocted. She further submits that initially the Accidental Death report was recorded, there was no reference about the phone call on 10/06/2025 at 01:23 p.m. which took place between the informant and the deceased. She further submits that even if the statement of Santosh Rajaram Pajai is perused, wherein he has stated that at about 03:45 p.m. when he was passing from the way of Vivra to Charangaon, he found the deceased lying near Sopinath Nagar, and therefore, he went there wherein deceased had informed him that present applicant and one Vaibhav Pajai has assaulted him on account of not giving liquor seems improbable. If at all, this was the case, then Santosh would have informed the said fact to Suresh when he had made phone call on 10/06/2025 at about 03:45 p.m. However, this fact is not communicated, and therefore, the entire story appears to be concocted. Therefore, the present applicant is falsely implicated

and is requesting for grant of bail.

5. On the other hand, the learned A.P.P. pointed out the CDR report, so as to demonstrate the call which took place between the deceased and the informant on 10/06/2025 at about 13:23 hours. He further submits that there is ample evidence against the present applicant. Even the post-mortem report speaks for itself, as could be gathered that various injuries were sustained by the deceased, i.e., 19 injuries were found on the person of the deceased and the cause of death is due to haemorrhage and shock due to multiple injuries. Upon perusal of the statement of Santosh, it would be clear that the present applicant is involved in the crime. There is also recovery of stick at the behest of present applicant. Lastly, it is submitted that considering the seriousness of offence, the present applicant does not deserves to be enlarged on bail.

6. I have considered the rival submissions, I have also perused the charge-sheet. Admittedly, on 10/06/2025, informant Suresh has initially registered accidental death report. However, there is no whisper about the phone call between the informant and deceased. Even if it is presumed that there was a phone call between the deceased and the informant, as could be gathered from the CDR report, and the

deceased had informed that the present applicant and one Vaibhav had assaulted him, naturally this would be stated in the accidental death report itself. However, when there is no mention about this fact, it creates doubt about the veracity of the information given by the brother, i.e., Suresh. It is further to be noted that the report was given on 12/06/2025, while the dead body was found on 10/06/2025. It would be not out of place to mention at this juncture that, the statement of Santosh was recorded almost after 7 days from the death of deceased, wherein he has stated that it was informed by the deceased himself to Santosh that the present applicant and Vaibhav had assaulted him with fist and kick blows and later on they have given blows with the help of stick. It is needless to mention that, the statement was recorded only after F.I.R. was registered on 12/06/2025 for the offence punishable under Sections 103(1) and 3(5) of BNS, 2023. From the overall investigation, *prima facie*, it appears that there is no concrete evidence against the present applicant. The story put forth by the prosecution seems to be suspicious. There is no explanation why the statement of Santosh was recorded after 7 days. Considering, the fact that the investigation is complete, charge-sheet is filed, I am inclined to grant bail.

7. 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 (Santosh Hanuman Dhole) be released on regular bail in connection with Crime No.169/2025 registered with Channi Police Station, District Akola, for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), on his furnishing a PR. 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;

(vi) Pending Misc. Applications, if any, also stands disposed of.

[M.M. NERLIKAR, J]