

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

CRIMINAL APPLICATION (BA) NO.1449/2025
(Amrit S/o. Tufansingh Bhada Vs. 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

Mr. A. A. Dhawas, Advocate for applicant.
Ms. S. Haider, APP assisted by Mr. Amol G. Hunge learned counsel
for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 27/01/2026.

Heard.

2. The applicant by this application is seeking bail in connection with Crime No.1019/2025 registered with Police Station Kalmeshwar, Dist. Nagpur for the offence punishable under Sections 109, 118(1), 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita ("BNS") and Sections 3, 4, 25 of the Arms Act.

3. It is alleged that so far as the present applicant is concerned, he has sold the firearm (Desi Katta) before three months of the incident to the main accused. The only material, which has surfaced on record is that the co-accused had named the present applicant, except this, there is no evidence against the present applicant. The learned counsel for the applicant submits that apart from

the statement of the accused, nothing is on record to show the involvement of the present applicant in the crime. Therefore, he submits that the applicant be released on bail.

4. On the other hand, the learned APP and the learned counsel assisting the learned APP vehemently opposes the application and submits that it is the applicant who has supplied the firearm to the main accused person, and accordingly the main accused person has shot by the said firearm and allegedly committed the offence under Section 109 of the BNS. They further submit that if the applicant had not provided the firearm, the said offence could have been prevented, and therefore considering the gravity of the offence and the fact that the present applicant is selling firearm illegally, applicant does not deserve to be enlarged on bail.

5. Upon considering the rival submissions of both the sides, admittedly the applicant was implicated in the present crime on the basis of the statement of co-accused. Considering the accusation against the present applicant, I am inclined to grant the bail, hence following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Amrit S/o Tufansingh Bhada be released on bail in connection with Crime No.1019/2025 registered with Police Station Kalmeshwar, Dist. Nagpur for the offence punishable under Sections 109, 118(1), 189(2), 191(2), 191(3), 190 of the BNS and Sections 3, 4, 25 of the Arms Act.
- (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.

(vi) The applicant/accused shall not commit similar type of offence.

(M. M. NERLIKAR, J.)

Gohane