



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

CRIMINAL REVISION APPLICATION NO.08 OF 2026

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| 1. Salamn Shaik Sabir,
aged about 29 years., Occ. Labour
R/o Galpura, Tah. Katol, Dist. Nagpur. | <u>Applicants</u> |
| 2. Sharif Gaffar Sheikh, Age 42 years,
Occup.Labour. R/o Ward no.4, Kondhai
Tah.Katol, Dist.Nagpur. | |
| 3 Sufiyan Amin Sheikh, Age 22 year,
Occup.Labour,R/o. Ward no.4, Kondhai
Tah.Katol, Dist.Nagpur. | |
| 4 Shaikh Mustaq Sheikh Gaffar, Age 45
years, Occup.Labour.R/o Ward no.4,
Kondhai Tah.Katol, Dist.Nagpur. | |
| 5 Shahrukh Sabbir Sheikh, Age 29 years,
Occup.Labour, R/o Galpura,Tah.Katol,
Dist.Nagpur | |

-Versus-

State of Maharashtra, through Police Station Jalalkheda, Nagpur, Tq. And District Nagpur.	Non- applicant
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Mr.S.V.Sirpurkar a/w Ms.Garima S.Jain, counsel for the applicants
Ms.M.A.Barabde, APP for the State.
Mr. Amit A.Choube for Intervenor.

CORAM : MRS. VRUSHALI V. JOSHI, J.

**Judgment Reserved on : 16/04/2026
Judgment Pronounced on: 17/04/2026.**

JUDGMENT:-

- 1) Heard.
- 2) **Rule.** Rule made returnable forthwith. By consent of the learned Counsel for the parties, the Criminal Revision Application is heard finally.
- 3) The applicants by filing this Revision Application are challenging the order passed by the learned Additional Sessions Judge, Nagpur (DJ-8) cancelling the bail granted in Criminal Miscellaneous Application No.579 of 2025 and Criminal Miscellaneous Application No. 618 of 2025. The crime was registered against the applicants in Crime No. 485 of 2025 for the offence punishable under Sections 109, 296, 351(2), 352, 3(5), 189(2), 190, 191(2), 191(3) and 311 of Bharatiya Nyaya Sanhita. The applicant Nos.1 to 4 preferred the bail application and all the applicants were on bail. The learned Trial Court had imposed the certain conditions on the applicants while releasing them on bail.
- 4) After release, the applicant/accused No.3 on 25.11.2025 has posted the story on facebook stating '*I am back*' and followed the son of the deceased on Instagram, which termed as breach of condition N0.5 and 6 imposed while granting the bail and therefore, the non-applicant No.1 has moved an application before the Additional Sessions Judge for cancellation of bail.

5) The non-applicant i.e. the State has moved the Application No. MCA 618 of 2025 for arrest of the other accused persons as during pendency, the Victim died and the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 came to be added for the further investigation. The non applicant No.1 has filed the application for custody of said accused persons.

6) On 14.01.2026, the Court has cancelled the bail of applicant No.3 and has allowed M.C.A.No.618 of 2025, granting permission to the non applicants to arrest the applicants. Being aggrieved by the said order, the applicants have filed this application.

7) The learned counsel for the applicants has stated that the victim died after two months of the incident, he died due to Septicemia. The injury was on his leg and due to medical negligence, the Victim died and after two months, the crime under Section 103(1) of the BNSS was registered. The supplementary charge sheet is filed. For the purpose of further investigation, the custody of the applicants is not required.

8) The applicant No.3 has posted the story on the Instagram that *he came back*. It was not on the private account of the son of the Victim. He followed him and subsequently, unfollowed him. Thereafter, the Victim has lodged the complaint and on the basis of his complaint, the non-applicant No.1 has filed the application for cancellation of bail. According to the learned counsel for the applicants, the applicant No.3 has not breached any condition and

the custody of the other applicants is not required as he died due to septicemia therefore further investigation is not required. Hence prayed to set aside the order passed by the learned Trial Court.

9) Learned APP has opposed the application and stated that the deceased was assaulted by all these applicants. Applicant No.3 has breached the condition of the bail. The applicants threatened the victim and because of said threats his health was deteriorated and therefore he died. As the offence punishable under Section 103(1) is registered, the further custody of all these applicants is necessary for further investigation. Hence, prayed to reject the application.

10) Heard both the learned counsel.

11) The learned trial court has cancelled the bail granted to them considering the post on Instagram that *he came back* and it amounts to giving threats to the son of the Victim. As it was on Instagram and considering the contents of the story that “*Bap to bap hota hai*” there is possibility of giving threats by non applicant No.3. If the undertaking is given by the applicant No.3 that he will not give threats and on certain conditions not to create any nuisance, not to enter the area where the victim is residing and not to follow the son of the victim on Instagram or any social media platform, I have no hesitation to set aside the order.

12) In case of the other applicants, the order is passed to take them in custody for further investigation, however, the investigation-is already completed. The supplementary charge-

sheet has also been filed. It appears from the postmortem report that the deceased died due to septicemia, resulting from the said injury, which was caused by assault. As the death is occurred after two months due to septicemia, further custody of these applicants is not required . Hence, the following order.

ORDER

- i] The order passed by the learned Additional Sessions Judge, Nagpur (DJ-8) in Criminal Miscellaneous Application No.579 of 2025 and Criminal Miscellaneous Application No. 618 of 2025 is hereby quashed and set aside.
- ii] The applicants be released on executing P.R.Bond of Rs.50,000/- each and on furnishing one or two sureties each in the like amount upon the conditions as imposed by the Lower Court .
- iii] Bail before the Lower Court.
- iv] The Applicants shall not enter the vicinity of the Victim.
- v] Rule is made absolute.

(MRS.VRUSHALI V. JOSHI, J)