



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

CRIMINAL APPLICATION [BA] NO. 14 OF 2026.

Rakesh Nitaram Uikey.

-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 N.C. Nagapure, Advocate for the Applicant.
Shri A. Mate, A.P.P. for the Non-applicant.

CORAM : M.M. NERLIKAR, J.

DATE : JANUARY 22, 2026.

Heard.

2. At the outset, the learned Counsel for the applicant seeks permission to correct name of the applicant. Permission granted. Necessary correction be carried out forthwith.

3. The applicant came to be arrested in connection with Crime No.226/2025 registered with Duggipar Police Station, Gondia for the offence punishable under Section 118[2] of the Bhartiya Nyaya Sanhita, 2023 (BNS). Charge sheet in the matter is filed and therein offence under Section 103[1] of the BNS came to be added.

3. The informant – Manoj Ishwarlal Madavi, lodged the report alleging that on 09.06.2025 when he reached his village by his auto, he saw that his uncle Shyamlal was lying near the field of Hivraj Neware and beside that one Ajay Kumbhare was sitting. Ajay Kumbhare told the informant that the applicant/accused has slammed his uncle on road and beaten him on chest by stick, due to which he became unconscious. His uncle was unconscious. He informed about the incident to son of the injured. At that time the applicant came there uttering filthy language and pushed the informant. Son of the injured took the injured to their house and on next day i.e. 10.06.2025 he informed the informant that he is taking his father to KTS Hospital Gondia where he was given some treatment and shifted to Medical College at Nagpur. It reveals from the charge sheet that during treatment at Nagpur on 15.09.2025 the injured succumbed to the injuries, and therefore, Section 103[1] came to be added.

4. The learned Counsel appearing for the applicant submits that the story put forth by the prosecution is concocted one, he was falsely implicated in the aforesaid crime. He has invited my attention to the initial medical report wherein when the deceased was admitted on the next day of the incident i.e. 10.06.2025, the history given was of fall under influence of liquor on 09.06.2025 at about 9.30 p.m. Thereafter,

he was referred to the Government Medical College and Hospital, Nagpur wherein again the history given was of accidental fall under influence of liquor on 09.06.2025 at around 9.30 p.m. at Sitepar, Sadak Arjuni, District Gondia. He further submits that the first information report was registered on 12.06.2025, whereas the incident is shown to be on 09.06.2025, thus there is delay of 3 days. It is submitted that as the applicant is falsely implicated in the crime, he prayed that the applicant be enlarged on bail.

5. The learned A.P.P. submits that there are eye witnesses to the incident. The story narrated by the eye witnesses has been corroborated by the post-mortem report. He has invited my attention to the post-mortem report and the injuries disclosed in the medical papers. He further submits that there is more than sufficient material to connect the present applicant with the crime, and therefore, requested to reject the bail application.

6. Upon hearing the learned Counsel for the parties and after considering the material on record, admittedly it appears that the report was lodged by nephew of the deceased on 12.06.2025, alleging that the present applicant has slammed the deceased on the road, so also beaten him with the help of stick. It further reveals that the said fact was informed to the son of the deceased, however, inspite of this fact the

deceased was not immediately taken to the hospital and was taken on 10.06.2025. The story narrated in the hospital was about that the injured fell under influence of liquor on 09.06.2025. Further it also reveals that again the same history was reported in the Government Medical College and Hospital, Nagpur. It is to be further noted that admittedly the incident has taken place on 09.06.2025, where as the report is lodged on 12.06.2025. There is no explanation about the said delay. Further it can be gathered from record that statements were recorded only after registration of the first information report on 12.06.2025. Considering the above facts and circumstances, a case is made out for grant of bail. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Rakesh Nitaram Uikey be released on regular bail in connection with Crime No.226/2025 registered with Duggipar Police Station, Gondia for the offence punishable under Section 118[2] and 103[1] of the Bhartiya Nyaya Sanhita, 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