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

CRIMINAL APPLICATION [B.A.] NO. 19 OF 2026

Roshan S/o Ratan Eknath and Another

-- VERSUS --

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. R.M. Daga, Advocate for the Applicants.

Ms. T.H. Udeshi, AP.P. for the Non-applicant/State.

Mr. Dhakate Janardan Vithoba, Advocate for assist to prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 09, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.1019/2025 for the offence punishable under Sections 109, 118(1), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 3, 4 and 25 of the Arms Act, 1959, registered with Police Station Kalmeshwar, District Nagpur.

3. The FIR states that on 23/11/2025, during a public event at Shankarpat, a group of individuals, led by Parameshwar Eknath and others, allegedly gathered with the intent to cause harm. The complainant, Sanjay Rameshji Pohwa, reported that

he, along with two others, were attacked by the accused with firearms and other weapons. One person, Balya Gujar, sustained a gunshot injury to his leg, while two others, Mukesh Mahapure and Sunil Gujar, were also injured. The FIR further states that the accused allegedly acted with prior knowledge of ongoing disputes and came prepared with weapons to the event, causing serious injuries to the victims. Based on these allegations, the FIR was lodged.

4. The learned counsel appearing for the applicants submits that though the offence is mainly alleged against one Deva Eknath, who has shot firearm on Balya Gujar, wherein Balya Gujar has sustained injury on the left thigh. Thereafter, the allegations are that all the accused persons have beaten Balya Gujar and also his uncle Sunil Gujar and one Mukesh Mahapure. The learned counsel appearing for the applicant invited my attention to the First Information Report, wherein he submitted that name of both the applicants does not appear, however, during the investigation, their name have surfaced. He further submits that, they have attended the engagement of one Anil's daughter and in that engagement the "Eknaths" were called. He submits that, it is not an intentional act, it abruptly occurred, and therefore, the present applicants cannot be blamed for the act done by Deva Eknath. He further

submits that mere presence of the present applicants, that by itself, will not be sufficient to connect the applicants with the alleged crime.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that charge-sheet is yet to be filed, investigation is going on, however, she invited my attention to the statement of the Balya which was recorded after discharge, wherein he has narrated the story in which he has mainly alleged against Deva Eknath as well as Rohit Eknath, so also, it was shown as all the applicants have beaten Balya. She further submits that so far as the overt act of the present applicants are concerned, it could be gathered from the statement of the Sunil Gujar, who is also injured in the said incident, wherein it is specifically stated by Sunil that Roshan - applicant No.1 was present, however, he has attributed the role towards Dinesh, who is applicant No.2 here. The allegations against Dinesh is shown as he has assaulted Sunil with the help of chair on his head and further has also inflicted injury on the head with knife. The learned A.P.P. also invited my attention to the injury certificate of Sunil, wherein there are simple injuries on the person of Sunil, however, there is no incised wound or stab injury on the head of the Sunil. She further submits that, considering the nature of allegations,

Section 34 would be attracted and perusal of the injury certificate of Balya itself demonstrate that his half of the body is almost paralyzed, and accordingly, she submits that the act was such a brutal, and therefore, the applicant may not be enlarged on bail.

6. I have considered the rival submissions, admittedly, in the F.I.R. which was registered by the Police Officer on the statement made by Balya Gujar, wherein he had named Deva Eknath and others, however, there is no mention of name in the F.I.R. of the present applicants. However, in the further statement recorded of Balya where he named Dinesh and others. However, there is no overt act attributed to Dinesh. Even there is no name of Roshan, who is the applicant No.1. Perusal of the statement of Sunil, admittedly, in his statement he has stated that the applicant No.1 is present. However, so far as the applicant No.2 is concerned, he has assaulted with the help of chair on his head, and so also with the help of knife on his head. However, there are no corresponding injuries to that effect which shows that there is either stab injury on the head or incised wounds on the head. It is to be noted that the further statement of Balya which is recorded on 21/01/2026. Even in this statement, the name of the present applicant does not figure. Considering this fact, I am inclined to grant bail to both the applicants on

imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Roshan S/o Ratan Eknath and Dinesh S/o Ishwar Soneshwar) be released on regular bail in connection with Crime No.1019/2025 registered with Police Station Kalmeshwar, District Nagpur, for the offence punishable under Sections 109, 118(1), 189(2), 191(2), 191(3) and 190 of the Bharatiya Nyaya Sanhita, 2023, (BNS), read with Sections 3, 4 and 25 of the Arms Act, 1959, on their furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) each with two solvent 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 their residential address and cell number to Police Station concerned and shall not change their place of residence without prior intimation to the Investigating Agency;

(v) The accused shall attend each and every date of trial regularly. If they fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, their default would entail the State to ask for cancellation of bail or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) The applicant shall not enter within the territorial jurisdiction of Selu, Wardha, till filing of the charge-sheet;

(viii) The applicant shall attend the local Police Station once a week on Sunday between 10:00 a.m. to 2:00 p.m. till the filing of the charge-sheet, and after the commencement of the trial, shall attend the trial regularly;

(viiii) Pending Misc. Application(s), if any, also stand disposed of.

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.

[M.M. NERLIKAR, J]

PIYUSH MAHAJAN