



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

CRIMINAL APPLICATION (BA) NO. 28/2026

(Abhishek S/o Rajesh Katariya 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. U. P. Dable, Advocate for applicant.
Mr. A. A. Madiwale, APP for non-applicant/State.
Mr. R.R. Rajkarne, Advocate assists to the prosecution.

CORAM: M. M. NERLIKAR, J.

DATED : 02/02/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No.287/2025 registered with Police Station Mankapur, Nagpur for the offences punishable under Sections 103(1), 49, 238(c), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. It is alleged by the prosecution that the informant lodged First Information Report stating that informant's son Aman was taking education at Simla in Hotel Management Course. Because of the holidays, he came to Nagpur on 07.06.2025. That on 14.06.2025, said Aman informed his mother that he is going to meet his friends, but as he did not returned till 11.00 PM, informant called

on his mobile which was switched off. When the informant inquired with Aman's friend Rohan, he told that Aman at 9.30 PM told him about going to Gorewada to meet some friends. As Aman did not return home for the whole night, next day, the informant lodged a missing report with Police Station Mankapur. At that time, it was informed to him that one dead body was found and he is required to verify whether the said dead body was of his missing son. When the informant arrived at the spot, he identified the body to be of his son Aman.

4. The learned counsel for the applicant submits that there is no evidence against the present applicant. He submits that it is the applicant who informed the Police about the unknown body lying in the Godhani area, Nagpur on 15.06.2025 at about 12.00 noon. Accordingly, the station diary entry was entered. During investigation, it was revealed that even the present applicant is also involved in the crime. The learned counsel appearing for the applicant submits that there are statements which indicate that the present applicant had taken the motorcycle of one witness, namely Rohit who informed to the Police that the present applicant has disclosed that his

brother, namely Lucky, who is the main accused has committed murder of one person as one girl namely Roze was having some dispute with the deceased. The learned counsel further submits that the Investigating Agency has recorded some statements, where it was disclosed by Lucky that he along with the present applicant and others have committed murder of the deceased. He submits that except this, there is no evidence against the applicant

5. On the other hand, the learned APP and the learned counsel assisting APP submit that the statement of Rohit would demonstrate that on the day of incident, the present applicant had taken the motorcycle of Rohit. He further submits that the present applicant has disclosed to Rohit that his brother, Lucky committed murder with the help of knife of one unknown person. He further submits that there are at least three statements of the family members of the applicant and friends of the applicant, where Lucky has made confessional statement where Lucky has informed to them that he along with the present applicant had committed the murder. They further submitted that even the tower location of the present applicant is near the spot of incident, therefore they submit

that there is ample evidence against the applicant. They submit that considering the material on record, the applicant does not deserve bail.

6. I have considered the rival submissions. Admittedly, it appears that the present applicant has initially informed to the Police about one unknown dead body lying in the vicinity of Godhani and that information was entered in the station diary entry. During investigation, it appears that the present applicant was also made accused from the statement on which the APP has relied. All those statements show that so far as the statement of one Rohit is concerned, in his statement, he specifically states that the present applicant informed him that Lucky has committed murder. So far as the other statements of friends and relatives are concerned, it appears that a confession was made by Lucky before them that he along with present applicant and others have committed murder of the deceased Aman, as one girl namely Roze was having some dispute with the deceased and Roze had insisted Lucky to kill deceased and accordingly he and others have killed him. It appears that Roze was having affair with the deceased and during that

period, they met with an accident near Seminary Hills where she sustained serious injuries. She had a grudge against the deceased due to which the relations between them were strained. I have also perused the postmortem report, where several stab injuries are mentioned. I have also perused the CDR report wherein the location of the present applicant was shown at Gorewada. However, from the record, it appears that the present applicant is residing in the said area of Gorewada itself. Therefore, considering the nature of material collected by the investigating agency and the fact that Lucky, who is the main accused, has informed about the murder committed by him along with others which is weak type of evidence, I am inclined to grant bail considering the fact that investigation is pending and the charge sheet is filed, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Abhishek S/o Rajesh Katariya be released on bail in connection with Crime No.287/2025 registered with Police Station Mankapur, Nagpur for the offences punishable under Sections 103(1), 49, 238(c), 3(5) of Bharatiya 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 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.

(M. M. NERLIKAR, J.)