



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

CRIMINAL APPLICATION (BA) NO. 59/2026

(Nageshwar S/o Shyamrao Masram 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. C.R. Thakur, Advocate for applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.
DATED : 10/02/2026.

Heard.

2. By the present application, the applicant is seeking bail in connection with Crime No. 293/2025 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 105, 3(5) of the Bharatiya Nyaya Sanhita ("BNS").

3. Brief facts:-

On 10.06.2025, at about 9.00 a.m., one person residing in the neighbouring premises, informed that Aryan Wahile was lying near the footpath adjacent to Ajni Police Station. Thus, the informant namely Vilas Wahile i.e. father of the deceased went to the said spot along with the friends' of Aryan and escorted him home. Further, the deceased was given coconut water and thereafter he went

to sleep. But, after some time, as his health condition deteriorated therefore accordingly was hospitalized in the night at about 21:37 hours, when the Doctor declared him dead.

4. The learned counsel appearing for the applicant submits that as there was no intention on the part of the present applicant to kill the deceased, the offence was registered under Section 105, 3(5) of the BNS. He submits that the applicant asked the deceased to give Khara ("Gutka). However, he refused and due to that the applicant gave a blow with the help of iron kada of his hand on the head of the deceased. However, after giving the blow, deceased went to the police station and registered the complaint. However, while returning, he fell down and accordingly, it was intimated to his father and thereafter, his father admitted him to the hospital, where he was declared dead. The postmortem report shows that death is due to the head injury. In column No. 17, two injuries are shown. However, injury No.1 which is corresponding to column No. 19, wherein it shows that there was an hematoma under scalp. He further submits that the applicant was arrested on 12.06.2025. Now the

investigation is over and charge-sheet is filed and no purpose would be served by keeping the applicant behind bar.

5. On the other hand, the learned APP invited my attention to the statement of the eye witness, wherein it was specifically stated that the present applicant inflicted blow on the head of the deceased with the help of kada. She further invited my attention to the postmortem report wherein the cause of death is shown as head injury. She submits that there is one eye witness whose statement shows that the present applicant gave blow on the head of the deceased and further the present applicant sent the person to the house of the witness to threaten him and therefore she submits that considering the conduct of the present applicant, he may not be enlarged on bail.

6. Upon considering the rival submissions, admittedly the offence is registered under Section 105 of the BNS by the father of the deceased. It appears from the record that on the trifle issue of asking khara from the deceased, the incident took place. In that incident, the applicant gave a blow with the help of iron kada on the

head of the deceased. Initially, it appears from the record that deceased went to the police station and lodged the report. Later on, while returning from the police station, he fell down and someone informed to his father. Then, he was firstly taken to the home and thereafter, in the same night, the applicant was shifted to the hospital. It appears that initially no one expected that internal injury might have been caused. However, as the deceased was not feeling well, he was taken to the hospital, wherein he was declared as dead.

7. In view of above, when the offence under Section 105 of the BNS is registered, the investigation is over, charge-sheet is filed and considering the fact there are no criminal antecedents against the applicant, I am inclined to grant bail. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observations, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Nageshwar S/o

Shyamrao Masram be released on bail in connection with crime No. 293/2025 registered with Police Station Ajni, Nagpur for the offence punishable under Sections 105, 3(5) of the BNS 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.

(vi) The applicant shall not enter into the Jurisdiction of the Ajani Police Station, Nagpur.

(M. M. NERLIKAR, J.)