



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

CRIMINAL APPLICATION [B.A.] NO. 63 OF 2026

Ritesh @ Sonu S/o Jagan Shende

-- 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. N.B. Rathod, Advocate h/f. Mr. S.N. Nandeshwar,
Advocate for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 12, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.126/2025 for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Kanhan, District Nagpur.

3. The F.I.R. was registered by the daughter of the deceased. The present applicant is the brother of the informant. The allegations are that the present applicant is in habit of consuming liquor. Due to his drinking habit, his wife along with children has left him. On the fateful date, i.e., on 15/02/2025, at about 11:00 p.m., the present applicant came to the house and assaulted deceased

mother by giving fists and blows especially, on abdomen. The informant came there and rescued mother from the clutches of the present applicant. As there were serious injuries on the person of the victim, she was taken to the hospital, however, after primary treatment, she was advised to go to Mayo Hospital, Nagpur, but deceased refused. On the next day, in the morning itself, at about 07:00 a.m., the deceased started having severe pain in her abdomen and in chest, therefore, the informant went to call the auto, however, when she returned home, the mother had already passed away, and accordingly, the F.I.R. was lodged against the applicant.

4. The learned counsel appearing for the applicant submits that there was no intention on the part of the applicant to kill the deceased. He further submits that no weapon was used to assault the mother. Though there are allegations that the applicant has given blows by fists and kicks, however, that by itself, will not fall under Section 103 of the BNS. It would at the most fall under Section 105, and therefore, he submits that as the applicant is in jail since 16/02/2025, almost one year is over and now the investigation is complete and the charge-sheet is filed, and therefore, prayed to release him on bail.

5. On the other hand, the learned A.P.P. has strongly opposed the application and submitted that

the applicant has assaulted her mother so brutally that her intestine tore. She has invited my attention to the Column No.21 of the post-mortem report which shows that there were serious internal injuries. Due to the force of the blows, there was internal bleeding. She further submits that even in Column No.17, there are three injuries, shown two contusions and one linear abrasion, and therefore, the cause of death was hemorrhagic shock due to blunt trauma to abdomen. She further submits that there are eye-witnesses to the incident and the informant herself is an eye-witness. The applicant has brutally murdered his mother and such a son does not deserve to be enlarged on bail. She further submits that there are two criminal offences registered against the present applicant, of the year 2010, therefore, prayed to reject the bail application.

6. I have considered the rival submissions. Admittedly, it appears that the present applicant has given fists and kick blows to the deceased. Whether there was intention or not that would be the part of the trial, however, without going into the said aspect, the fact remains that the applicant has not used any weapon in order to inflict the injury. No doubt, there are serious injuries which are appearing in the post-mortem report, specifically in Column No.21. However, considering the fact that the applicant is

behind bar since one year and now the investigation is complete and charge-sheet is filed, I am inclined to grant bail on imposing stringent conditions. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Ritesh @ Sonu S/o Jagan Shende) be released on regular bail in connection with Crime No.126/2025 registered with Police Station Kanhan, District Nagpur, for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita, 2023 (BNS), on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with two solvent sureties 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency;

(v) 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 or even trial Court *suo moto* take cognizance of this and cancel the bail;

(vi) 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]