



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

CRIMINAL APPLICATION [B.A.] NO. 94 OF 2026

Jai @ Dawka S/o Kamal Shahu

-- 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.

Corrected as per order dated
18/02/2026 – replaced “Mr. S.D.
Chande” by “Mr. S.V. Kulkarni,
Advocate a/w. Ms. Sunita Kulkarni”.

Mr. S.V. Kulkarni, Advocate a/w. Ms. Sunita Kulkarni,
Advocate for the Applicant.

Mr. A.R. Chutke, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 13, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.267/2025 for the offence punishable under Sections 103, 109, 3(5), 189(4), 190, 191(3) of the Bharatiya Nyaya Sanhita, 2023, BNS, Sections 4 and 25 of the Arms Act, 1959, Section 135 of the Maharashtra Police Act, 1951, registered with Police Station M.I.D.C., District Nagpur.

3. The First Information Report is lodged by the elder brother of the deceased alleging that on 13/03/2025, Rohit Tiwari left the house at 08:30 p.m. stating that he is going to the house of Nilesh Kalambe. When he did not return back till 11:00 p.m., the informant called him, upon which he said

he would be back within 10-15 minutes. However, Nilesh Kalambe came to the house of informant and informed that one person namely, Akash Bhandari, along with his associates have stabbed Rohit and he is lying in injured condition in front of his shop. The informant immediately rushed to the spot of incident and took Rohit to the hospital, however, he passed away. On the basis of the said report, police have registered the crime.

4. The learned counsel appearing for the applicant submits that the role of the present applicant in the entire charge-sheet is shown only to the extent of accompanying the main accused – Akash, however, there is no overt act on the part of the present applicant. He further submits that so far as the First Information Report is concerned, there is no mention of the present applicant, however, the offence was registered against one Akash and some unknown persons. He further submits that no test identification parade was conducted in order to identify the present applicant. Even the eye-witness has not named the present applicant and only reference is to unknown persons. According to him, eye-witness only refers to unknown persons. The deceased had disclosed to one Anup Santosh Abade, while being taken to the hospital that Akash Bhandari has assaulted him. The recovery of knife having blood

stains was made after 10 days of the incident under Section 23 of the Bharatiya Sakshya Adhiniyam, 2023. He further submits that it is not believable that even after 10 days there would be blood on the knife. Even the clothes are said to be recovered under Section 23 of the BSA, however, there are no blood stains on the clothes. In the absence of cogent evidence, the applicant cannot be linked with the alleged crime and prayed to be enlarged on bail.

5. On the other hand, the learned A.P.P. has invited my attention to the statement of one Samiksha, wherein she has disclosed that his friend who is also one of the accused, namely, Chotu Pande has informed her that main accused - Akash Bhandari as well as the present applicant, who is named as Dawka, has assaulted the deceased – Rohit Tiwari. He further invited my attention to the statement of one Asmit Rajendra Bagde, at whose house accused – Viju, accused – Chotu, Jay – present applicant and Akash Bhandari went to sleep and while talking with them in the night Akash showed him two knives and said that just now they have eliminated Rohit Tiwari, and therefore, they came to his house for hiding themselves. Therefore, the learned A.P.P. submits that there is sufficient material against the applicant as the applicant is directly involved in the crime. He further submits that the post-mortem report shows 4

stab injuries and the cause of death is Hemorrhage following multiple stab injuries (Homicidal), therefore, according to learned A.P.P. considering the seriousness of the offence and active participation of the applicant, he does not deserve to be enlarged on bail.

6. Upon consideration of the rival submissions, it appears that, admittedly, in the F.I.R. name of Akash Bhandari was mentioned, however, other persons are shown as unknown person. It further appears from the statement of eye-witness - Nilesh, even he has not disclosed the name of the present applicant. In his statement, it has specifically come on record that only Akash Bhandari had given blows and one person had held the hands of the deceased. Now under such circumstances, in the absence of test identification parade, it is very difficult to come to conclusion as to whether the applicant has also assaulted or played some active role in the entire episode. It is further to be noted that though the statement of one Samiksha was recorded, however, it is very weak type of evidence which only discloses that co-accused - Chotu, who is the friend of Samiksha, has disclosed to her that Akash Bhandari and Dawka @ Jai Shahu has assaulted the victim. Even this cannot be termed as extra-judicial confession. Now so far as the statement

of Asmit is concerned, even it is on the same line. He disclosed that accused – Viju, Chotu, Jay and Akash went to his house for hiding themselves and Akash disclosed him in the night that they have eliminated Rohit. So far as this statement is concerned, even this would not be useful at present in order to consider the bail of the present applicant. Now one another statement of Anup Abade goes to show that the deceased has only made disclosure of name of the main accused - Akash Bhandari and no one else. Considering this fact and the fact that this Court has already released three applicants, namely, Akash Dipak Uikey, Karan Ramesh Naharkar and Kunal Suresh Naharkar, on bail in their respective bail applications, I am also inclined to grant bail to the present applicant on imposing stringent conditions. Hence, the following order:-

ORDER

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

(ii) The applicant/accused (Jai @ Dawka S/o Kamal Shahu) be released on regular bail in connection with Crime No.267/2025 registered with Police Station M.I.D.C., District Nagpur, for the offence punishable under Sections 103, 109, 3(5), 189(4), 190, 191(3) of the Bharatiya Nyaya

Sanhita, 2023, BNS, Sections 4 and 25 of the Arms Act, 1959, Section 135 of the Maharashtra Police Act, 1951, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five Thousand Rupees) with one 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 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]

PIYUSH MAHAJAN