



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

CRIMINAL APPLICATION [B.A.] NO. 95 OF 2026

Yash Anil Samund

-- 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 Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.168/2025 for the offence punishable under Sections 103(1), 109(1), 296 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Chandrapur (City), District Chandrapur.

3. As per the First Information Report dated 08/03/2025, the informant, Sandeep Madhukar Chaple, stated that on 07/03/2025, he along with his friend Dilip Chauhan went to Pink Paradise Bar near Pathanpura Road, Chandrapur. While they were present at the bar, two persons, Nitesh Jadhav and his friend Akshay Shirke, allegedly had a dispute with Manager over payment, when

informant intervened he was verbally abused. The informant further alleged that, while they were attempting to resolve the matter outside the bar, an unknown person armed with a sharp weapon attacked them. Sandeep Chaple sustained injury on his right shoulder, and Dilip Chavan sustained multiple injuries on his hands, chest, and back, who later succumbed to his injuries despite medical intervention. On the basis of the statement given by Sandeep Chaple, a F.I.R. was lodged against Nitesh Jadhav, Akshay Shirke, and an unknown assailant for causing grievous injuries and for the death of Dilip Chavan.

4. The learned counsel appearing for the applicant submits, in the initial report, the only allegation is that the applicant has handed over the weapon to the main assailant - Akshay Shirke, and thereafter, Akshay has given blow to Dilip Chauhan, so also, on the informant. According to the applicant, except this, there is no other role attributed to the present applicant. He further submits that a statement was recorded after 12 days of one Harshal, wherein he has disclosed that even the present applicant has given blow on the deceased – Dilip. He further invited my attention to the post-mortem report of the deceased - Dilip Chauhan, wherein three injuries are shown, and therefore, according to him,

whatever was narrated in the F.I.R by the informant - Sandeep Chaple, that Akshay Shirke has given blows on his hands, chest and back is true. According to the applicant, thereafter, when the statement of Harshal was recorded after twelve days, the story has been developed and the applicant was also shown as the assailant. Further, he submits that even the informant has not stated anything about the present applicant, except the handing over of the weapon to Akshay and the informant. But in his statement recorded under Section 183 he has stated that even the present applicant has given blow with the help of knife. According to him, further improvement is nothing, but false implication of the present applicant. He further invited my attention to the C.C.T.V. footage, wherein the applicant was seen handing over the weapon to Akshay, however, there is no assault by the applicant to the deceased- Dilip, and therefore, considering the limited role played by the applicant, the applicant be enlarged on bail.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the F.I.R. is not an encyclopedia. She submits that there is an independent eye-witness to the incident and invited my attention to the statement of Harshal, wherein he has disclosed that the applicant has also given blow with the help of knife on the person of

deceased – Dilip. She further submits that there are injuries on the person of the deceased which could be gathered from the post-mortem report and the cause of death is *“Shock and Haemorrhage due to stab wound on chest.”* She further invited my attention to statement of informant recorded under Section 183 of the BNSS, wherein the injured - Sandeep has stated that the present applicant and Akshay has assaulted with the help of knife on stomach and on the backside of the deceased – Dilip. She further submits that there are antecedents against the applicant, and accordingly, she has invited my attention to cases registered against the present applicant at Police Station, Chandrapur City. The first case is registered in the year 2016 under Sections 323, 279, 504, 506 and 427 of the I.P.C, the second case is registered in the year 2021 under Sections 4 and 25 of the Arms Act, read with Section 34 of the IPC, and the third case is registered in the year 2024 under Section 324 of IPC, and therefore, she submits that considering the serious nature of allegations, the applicant does not deserve bail.

6. I have considered the rival submissions, admittedly, the First Information Report was registered on the basis of the statement of the informant – Sandeep recorded in the hospital. The statement would reveal that, initially, the incident

took place inside the beer bar, as Akshay and his friend - Nitesh had consumed liquor, however, they were not paying amount at the counter, and therefore, deceased – Dilip and the informant intervened, trying to tell the accused persons that they should pay the bill and should not quarrel, however, Akshay was annoyed by this interference, and he asked informant and his friend to come outside the bar. When they went outside, the present applicant who was not inside the bar, handed over the weapon to Akshay, and thereafter, Akshay has given blow on hand, back and on the chest of the deceased with the help of knife. It is to be seen in the First Information Report that, except for the allegations of handing over the knife, there are no other allegations of assault against the present applicant. However, it appears that, twelve days after the incident, the statement of Harshal was recorded, who has stated about the assault by the present applicant with the help of knife. However, this version is falsified by the post-mortem report which speaks about three injuries which was stated by the informant in his First Information Report. Further, even the informant has improved the story stating the involvement of the present applicant and had made allegations that even the present applicant has assaulted them with the help of knife. It is further to be seen that in the C.C.T.V. footage, so far as the

assault by the applicant is concerned, it is not seen, however, it is seen that the present applicant has handed over the weapon to the applicant. Though there are few antecedents against the applicant, as was observed above, however, that by itself, will not preclude this Court from granting the bail when *prima facie* this Court has satisfied based on the material that the applicant would be entitled for bail on imposing stringent conditions. Hence, the following order:-

ORDER

- (i) The Criminal Application is **allowed;**
- (ii) The applicant/accused (Yash Anil Samund) be released on regular bail in connection with Crime No.168/2025 for the offence punishable under Sections 103(1), 109(1), 296 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Chandrapur (City), District Chandrapur, 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]