



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

CRIMINAL APPLICATION [BA] NO. 104 OF 2026.

Homraj Namdeo Gade

-VERSUS-

The State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri U.E. Quazi, Advocate (Appointed) for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 20, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.70/2025 registered with Bramhapuri Police Station, District Chandrapur for the offence punishable under Sections 103[1] and 238 of the Bhartiya Nyaya Sanhita (BNS), 2023.

3. First information report in the matter came to be lodged by one Vikesh Dadaji Nikure, Police Patil, alleging that there were frequent quarrel in the family of the applicant, as the applicant was in a habit of drinking liquor and used to quarrel

with his wife and father. On 12.02.2025, the applicant went to the informant's house, and informed that his father is dead. Upon enquiry, he refused to inform the cause of death. When the police patil visited his house, he found that the deceased was lying on the floor and there were serious injuries on his head and blood was spread over the floor. The people who had gathered there, informed that on 11.02.2025, the applicant had a scuffle with his father and he also assaulted him over the issue. Therefore, the report was lodged against the applicant on suspicion of murder of his father.

4. The allegations against the applicant is that he has killed his father, over the fact that he went to the field of one Nilkanth, who is one of his relative. The learned Counsel for the applicant submits that there was no intention on the part of the applicant, as the deceased was his father, and in a heat of anger, he has committed murder. He submits that the applicant is in jail since last one year, and therefore, he be released on bail.

5. The learned A.P.P. vehemently opposes the application by submitting that initially the applicant has assaulted his father in the morning and again in the night hours,

when his father was sleeping in his room, after which he was given first aid by the wife of the applicant. The applicant then went inside the room and gave blow on the head of his father with the help of one wooden log. My attention is invited to the postmortem report where in total 8 injuries are mentioned. There is also fracture to the scalp. The cause of death is due to head injury, with injury to the vital organs. According to the learned A.P.P., the applicant has assaulted his father so brutally, that it resulted in his death and wife of the applicant is the eye witness to the incident. According to her, in the afternoon also the applicant has beaten his father and she had given first aid to the deceased. However, at night time, the applicant went to the room of his father, and gave blow on his head with wooden log and therefore, according to the learned A.P.P., this is not a fit case where the applicant/accused be enlarged on bail.

6. I have heard the rival contentions canvassed by the learned Counsel for the parties. Admittedly the deceased is father of the applicant. It appears that wife of the applicant is the sole eye witness to the incident. In the postmortem report there are near about 8 injuries, in which two injuries are of

depressed fracture above left eye from forehead to left orbital region; the second is fracture on skull vault in multiple pieces and the cause of death is head injury with injuries to vital organs. Considering the fact that there is an eye witness to the incident, who is wife of the applicant and considering the fact that there are several injuries from which the brutality of crime can be gathered, in this view of the matter, I am not inclined to entertain the prayer made by the applicant. Criminal Application is, therefore, rejected. However, the trial Court is requested to conclude the trial within a period of one year.

7. Misc. Applications, if any, are also disposed of.

8. Fees of the appointed Counsel be quantified and paid as per Rules.

JUDGE