

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

CRIMINAL APPLICATION NO. 142 OF 2026

Yogesh s/o Punjabrao Kowe

..vs..

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

Shri Soumitra Paliwal, Advocate for the applicant.
Ms P.C. Bawankule, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 16.02.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No. 18 of 2025 registered with the Dhantoli Police Station, Nagpur for the offence punishable under Sections 103(1), 125(b), 115(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Bombay Police Act.

3. The FIR has been lodged by the brother of the deceased Himanshu Naynekar alleging that on 14.01.2025, when he went to search for his brother i.e. deceased at around 11.00 p.m., he saw the deceased talking with the present applicant, which converted into hot exchange of word. During the quarrel, the accused persons beat the deceased. The main accused Kunal stabbed the deceased with the help of knife and other co-accused also beat him and accused no.4 Kajal threw brick pieces at the deceased. The deceased was taken to the Hospital, where he was declared dead at around 11:45 p.m.

4. Learned Counsel for the applicant submits that there was no intention to kill the deceased. Initially, the applicant went to the spot of incident where he was beaten by 11 to 12 persons and therefore, her sister Kajal (accused no.4) along with her husband Kunal came to the spot. Kunal inflicted blow on the person of the deceased with the help of knife. He submitted that the role attributed to the present applicant is that after giving blows by Kunal and Rupesh, when they ran away, that time the applicant pressed the neck of the deceased by his knee. Except this act, there was no role played by the applicant in the entire incident and therefore, Section 103 of the BNS could not be invoked against the present applicant. The investigation is complete and charge-sheet has been filed. The applicant is in jail since 15.01.2025. Therefore, the applicant can be enlarged on bail.

5. On the other hand, learned APP vehemently opposes the application by inviting my attention to the CCTV footage showing the active role played by the present applicant in the entire incident. It is submitted that the main accused is the brother in law of the applicant, who inflicted blows on the person of the deceased with the help of knife along with Rupesh. That time accused no. 3 Rupesh caught hold the hand of the deceased. After the assault by the co-accused, the present applicant pressed the neck of the deceased by his knee. Also the Postmortem report shows the cause of death as “stab injuries to the right lung, liver and small intestine”. Statement of one eye-witness also reiterated the mode of assault, which can be gathered from CCTV footage. And therefore, prays to reject the application.

6. I have heard both the parties and perused the record. It appears that initially the applicant was beaten by 11 to 12 persons. At the relevant time brother-in-law of the applicant namely Kunal came there along with sister of the applicant Kajal. Kunal inflicted blows on the person of the deceased with the help of knife. The role attributed to the present applicant is only pressing the neck of the deceased by his knee after the assault by co-accused. Except this there is no material against the present applicant. Admittedly there are several injuries on the person of the deceased, which was the cause of death of the deceased, however the same were inflicted by another co-accused. Considering the role played by the present applicant and the fact that the applicant is in jail since 15.01.2025, I am inclined to enlarge the applicant on bail, on certain terms and conditions. Hence, the following order

- (a) The application is allowed.
- (b) The applicant Yogesh s/o Punjabrao Kowe in connection with Crime No. 18 of 2025 registered with the Dhantoli Police Station, Nagpur be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant shall not entered into the vicinity of territorial jurisdiction of Takiya Dhantoli, Nagpur City.
- (d) The applicant 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.

- (e) 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.
 - (f) 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.
7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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