



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

CRIMINAL APPLICATION [B.A.] NO. 161 OF 2026

Roshan S/o Kayyum Sheikh

-- 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. A.D. Bhate, Advocate for the Applicant.

Mr. D.V. Chauhan (Senior Advocate) / P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : FEBRUARY 24, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.200/2025 for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 3, 7, 25 and 27 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951, registered with Police Station Ambazari, District Nagpur.

3. As per the First Information Report, the informant, Raju Baliram Bhusari, reported that on 15/04/2025, his son, Avinash Bhusari, was fatally shot by unidentified persons near Nimbus Cafe, on the road near G.P. Parsik Sahakari Bank, Nagpur. The assailants, reportedly arrived on a black Splendor

bike and a white moped, they fired at Avinash, hitting him on the head and neck, causing severe injuries. He was immediately taken to Wockhardt Hospital, Nagpur, who later succumbed to his injuries while he was under treatment in the ICU. The incident allegedly involved multiple unknown persons armed with firearms. On the basis of this report, a case has been registered against the unknown accused, and investigation has been initiated.

4. The learned counsel appearing for the applicant submits that absolutely there is nothing against the applicant. The role attributed to the present applicant in the entire episode is that he has given Rs.50,000/- to the main accused - Bunty Hiranwar for purchasing the revolver, by which Bunty has committed murder of deceased - Avinash Bhusari. He further submits that the applicant is behind bar since 27/04/2025, and therefore, he submits that considering the fact that the investigation is over, charge-sheet is filed and trial is yet to begin, he may be released on bail.

5. On the other hand, the learned P.P. vehemently opposes the application and submits that the applicant had knowledge that something was going to happen. He has invited my attention to the messages exchanged between the applicant and some of the hidden witnesses. He further submits that there

are several criminal offences which are pending against the applicant, that too, serious crimes. To this, the learned counsel appearing for the applicant invited my attention to the chart which is at paragraph No.9 of the memo of application, wherein in many of those crimes, the applicant was either acquitted or the case was quashed by this Court.

6. I have considered the rival submissions. The role of the present applicant in the entire episode is that the applicant has given Rs.50,000/- to the main accused - Buntty Hiranwar. However, absolutely, there is no material to substantiate this fact in the entire charge-sheet. It further appears that there is some conversation on Snapchat between the hidden witness and the applicant, even that does not lead to link the applicant with the alleged crime of murder. In the present case, there are no circumstances against the applicant, therefore, merely because offences are registered against the applicant, that by itself, is not sufficient and, therefore, I am 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 (Roshan S/o Kayyum Sheikh) be released on regular bail

in connection with Crime No.200/2025 for the offence punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), Sections 3, 7, 25 and 27 of the Arms Act, 1959, and Section 135 of the Maharashtra Police Act, 1951, registered with Police Station Ambazari, District Nagpur, 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