

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

CRIMINAL APPLICATION (BA) NO. 169/2026
(Suryabhan Kavleshwar Chauhan 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

Mr. M.N. Ali, Advocate for applicant.
Ms. S. Haider, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 05/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.650/2025 registered with Police Station Wani, Dist. Yavatmal for the offences punishable under Sections 109, 189(1),(2),(3)(4), 190, 191(1), (2), (3), 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 7 of the Criminal Law Amendment Act.

3. Brief facts of the prosecution story is that Informant lodged the report that, on 30/09/2025 applicant along with his sons Vilas Chauhan and Vishal Chauhan have assaulted Ankush Mogre with the help of iron rod, stick and fist blows. After completion of investigation, chargesheet came to be filed.

4. The learned counsel appearing for the applicant submits that the First Information Report was registered by one Bholeshwar Tarachand who is serving as a Health Inspector in Nagar Parishad, Wani who knew victim Ankush Mogre as well as the accused persons. It is alleged that the present applicant along with the others have inflicted blows on the head of the victim, accordingly he was injured. He submits that so far as the injury certificate is concerned, there are fracture shown on the left temporal and parietal bone and so also fracture was seen on the walls of left sphenoid and right maxillary sinus. Further, a fracture in floor and lateral wall of right orbit and in right zygomatic bone was also seen. However, he submits that though there are fracture injuries on the injured Ankush, however none of the injury is attributed to the present applicant. Though the name of the applicant appears in the FIR, however in the statement of the victim which was recorded, he has not named the present applicant. He submits that the presence of the applicant was shown however there is no overt act on his part. The said incident was captured by one Prashant in his mobile. It was taken in the pen drive and inspection and seizure panchnama is

placed along with the charge-sheet which reveal that the blows are inflicted by Vilas Suryabhan, Viru alias Vir Singh Lilare, Vishal Suryabhan Chauhan, however so far as the applicant is concerned as per the CCTV footage, there is no overt act on his part except for his presence on the spot, therefore the counsel for applicant submits that considering the role played by the applicant, the applicant be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that it was a ghastly act on the part of accused persons. The role of the applicant cannot be separated at present, as all of them have participated in the commission of offence and in the FIR the name of the present applicant appears. There are serious injuries inflicted on victim and he was admitted for 14 days in the hospital. Prashant who is the eye witness has also taken the name of the present applicant. She further submits that the wooden stick was recovered at the behest of the present applicant and all these persons have not only beaten the victim at one spot, however when the victim tried rescuing himself from the clutches of the accused persons again they have chased him and given

blows, therefore she submits that considering the gravity of the offence, the applicant may not be released on bail.

6. I have considered the rival submissions. No doubt, the first information report was registered by one Bholeswar. It appears that the name of the present applicant appears in the first information report. It further appears that there are fracture injuries on the head of the victim Ankush. The eye witness namely Prashant has also taken the name of the present applicant who has done the shooting of the said incident in his mobile and accordingly, panchanama to that effect was prepared. In the said panchnama, it reveals that Vilas Suryabhan Chauhan and Vishal Suryabhan Chauhan have inflicted blows on the head of victim Ankush. It further appears that another accused namely Viru alias Vir Singh Lilare has inflicted blows on the face with the help of iron rod. In the same panchnama, it is further stated, that the applicant was having stick in his hand and he was running towards the victim Ankush. However, in the entire CCTV footage, except for the presence of the applicant no overt act has been shown, therefore one thing is clear that prima facie it appears that for the injury on the victim, Viru, Vilas and

Vishal are responsible.

7. Further, it is to be noted that the statement of Prashant who is the eye witness and who has shot the video of the incident in the mobile phone, discloses that all the accused persons have assaulted the victim, however no specific overt act has been attributed against the applicant. Further, most importantly the statement of victim Ankush was recorded by the Investigating Agency, wherein he has specifically named Vishal and Vilas for inflicting blows on his head, and therefore, they are responsible for the injury on the head. It is further to be noted that Vir Singh who has given blow on the face of the victim with the help of iron rod has been released by the Trial Court.

8. For the above reasons and for the reason that the applicant is in jail since 30/09/2025 and the fact that the investigation is over and charge sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Suryabhan Kavleshwar Chauhan be released on bail in connection with Crime No.650/2025 registered with Police Station Wani, Dist.

Yavatmal for the offences punishable under Sections 109, 189(1),(2),(3)(4), 190, 191(1), (2),(3) 238 of the Bhartiya Nyaya Sanhita, 2023 and Section 7 of the Criminal Law Amendment Act on his furnishing P.R. Bond of Rs. 25,000/- with one 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 concerned Police Station and shall not change his place of residence without prior intimation to the concerned Investigating Officer.

(v) The applicant/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 entails the State to ask for cancellation of bail.

(vi) The applicant/accused shall not enter into Wani town, Dist. Yavatmal till concluding of the trial.

(M. M. NERLIKAR, J.)