

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

CRIMINAL APPLICATION (BA) NO. 193/2026

(Kishor S/o. Dnyaneshwar Thakare 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. R.M. Daga, Advocate for applicant.
Ms. T. H. Udeshi, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.513/2025 registered at Police Station Kalamana, Nagpur for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita.

3. It is the case of prosecution that on 22.06.2025 informant Deorao Waghmare has lodged report with Police Station alleging therein that at about 9.48 p.m. on 21.06.2025, he received a call from his brother Ravi Waghmare, who informed him that applicant is assaulting him with knife and pleaded to save him. Therefore, informant and his wife went to Kalamana Market and noticed that Ravi was lying on cement road with bleeding injuries. One Nasir who was present at the spot informed

the informant that applicant had assaulted the deceased Ravi by means of knife over a trivial issue. Thereafter, Ravi was shifted to the hospital for treatment, however later succumbed to his injuries. Therefore, on the report lodged by Deorao present crime came to be registered and after the investigation charge-sheet was filed.

4. The learned counsel for the applicant submits that the applicant was gambling at the spot of incident. The applicant and the deceased do not know each other. However, while gambling, deceased came and insisted he be permitted to participate in the game of gambling. However, the applicant denied. Accordingly the deceased went outside and took out knife from his motorcycle and inflicted blows on the applicant's hand. The applicant snatched the same knife from the deceased and inflicted blows on the deceased in self-defense as well as in the heat of anger. He submits that there was no intention on the part of the applicant to commit the murder of the deceased. However, the incident occurred abruptly and due to provocation on the part of the deceased, therefore considering the nature of allegations, the applicant be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that there are near about 10 injuries on the person of the deceased, therefore it cannot be said that the applicant was not having intention. She further submits that no doubt that deceased had initially brought the knife and inflicted blows on the applicant. However, the applicant has snatched the knife from the deceased and inflicted sever blows There are four eye witnesses to the incident. All have specifically stated about the role of the present applicant. Therefore she submits that considering the injuries, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. Admittedly, it appears that the applicant was gambling. It further appears that the deceased came there and inisisted to permit him to participate in the game. However, as the applicant denied, deceased got annoyed and he tore the cards. It further appears that immediately the deceased went outside and took out the knife from his motorcycle and entered into the hall, where he inflicted blow on the applicant. The applicant sustained one blow on the hand.

The applicant snatched the same knife from deceased and inflicted blows on him. Even the applicant and the deceased are not known to each other. Therefore, it can be said that there was no motive to commit murder and the incident has occurred in the spur of moment.

7. Considering the above facts and circumstances of the case and the fact that the applicant is in jail since 23.06.2025, the applicant is having no criminal antecedents, further 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 Kishor S/o Dnyaneshwar Thakare be released on bail in connection with Crime No.513/2025 registered at Police Station Kalamana, Nagpur for the offence punishable under Section 103(1) of the Bharatiya Nyaya Sanhita 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.

8. The observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observation.

(M. M. NERLIKAR, J.)

Gohane