



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

CRIMINAL APPLICATION [B.A.] NO. 195 OF 2026

Mohan Dashrath Banait

-- 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 h/f. Ms. S.V. Kule, Advocate for the Applicant.

Mr. A.G. Mate, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 04, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.61/2025 for the offence punishable under Sections 103(1), 109(1), 118(2), 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Khamgaon (Rural), District Buldhana.

3. This Court, by order dated 19/12/2025, in the case of *Dashrath Atmaram Banait*, in Criminal Application [B.A.] No.950/2025, has granted bail to Dashrath Atmaram Banait.

4. The learned counsel appearing for the applicant submits that the applicant herein is also

similarly situated person and, therefore, he would be entitled for parity.

5. The learned A.P.P. concedes this fact and submits that the role played by Dashrath and the present applicant, i.e., to the extent of holding deceased - Raghunath and his son Gopal is similar. He further submits that apart from this, there is no overt act on the part of the applicant. Further, there are no antecedents.

6. I have gone through the order passed by this Court in the case of *Dashrath Atmaram Banait* dated 19/12/2025. I have also gone through the allegations in the First Information Report. The role played by Dashrath and the present applicant is similar and, therefore, the present application deserves to be allowed on the ground of parity. In this view of the matter, for the reasons stated in the order dated 19/12/2025, for the same reasons, the present application is also allowed. Hence, the following order:-

ORDER

(i) The Criminal Application is **allowed;**

(ii) The applicant/accused (Mohan Dashrath Banait) be released on regular bail in connection with Crime No.61/2025 for the offence punishable under Sections 103(1),

109(1), 118(2), 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Khamgaon (Rural), District Buldhana, on his furnishing a P.R. bond of Rs.50,000/- (Fifty 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