



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

CRIMINAL APPLICATION [BA] NO. 205 OF 2026.

Nitin Chandrakant Deotale.

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri A.A. Naik, Senior Advocate with Shri A.S. Manohar,
Advocate for the Applicant.
Shri V.A. Thakare, A.P.P. for the Non-applicant.
Shri K.J. Topale and Shri A. Hunge, Advocates Assisting
Prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 06, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.437/2025 registered with Hingna Police Station, Nagpur City for the offence punishable under Sections 109[1] and 3[5] of the Bhartiya Nyaya Sanhita (BNS).

3. Two first information reports are registered i.e. Crime Nos. 436 and 437 of 2025 arising out of one and the

same incident. So far as the present applicant is concerned, he is accused in Crime No.437/2025, which is lodged by Suvek Nanaji Deotale. It is alleged in the said first information report that the present applicant has assaulted and injured the informant by spade. So far as the other first information is concerned, i.e. Crime No.436/2025, it is registered at the instance of the present applicant alleging that one Nanaji had fired bullets and due to which Vijay, who applicant's friend died in the said incident, and injury is also caused to Pravin, who is brother of the present applicant.

4. Perusal of the first information report lodged against the present applicant reveals that initially Nanaji, who is father of the informant has taken out 12 bore rifle from his house and fired two rounds of which one bullet hit Vijay, which caused his death and another bullet hit Pravin, who was seriously injured.

5. The learned Senior Counsel appearing for the applicant submits that the incident took place in a spur of moment. Nanaji has started the quarrel on petty issue of parking of the vehicle. There was no intention, so far as the

present applicant is concerned, however, when he saw Nanaji firing on him, he immediately intervened and tried to pacify, however, in the sudden fight he picked up a spade and inflicted blows on the informant. It is submitted that considering the nature of allegations, though the investigation is still not complete, the applicant be released on bail.

6. On the other hand, the learned A.P.P. appearing for the State and learned Counsel Assisting State, vehemently opposed the prayer of the applicant by submitting that serious injuries are caused by the applicant. Wife of deceased Vijay in Crime No.436/2025 has filed Criminal Application (APPP) No.534/2026 to assist the prosecution. The application is allowed and disposed of.

Learned A.P.P. and Learned Counsel assisting prosecution submitted that it was the applicant's family who started the quarrel, and though the father of the informant fired, it was accidentally discharged during the scuffle while the rifle was being snatched. They also submitted that there was every intention on the part of the applicant to cause injuries which can be gathered from the blows which are

inflicted on Nanaji, and therefore, it is submitted that bail be rejected.

7. After considering the rival submission of the learned Counsel, it is an admitted fact that cross – first information reports are registered by both parties regarding the same incident. So far as Crime No.437/2025 is concerned, the first information report is registered against the present applicant. Admittedly it is alleged that the applicant has used spade. Perusal of the injury certificate of Suvek, who was injured due to the assault by the present applicant, demonstrates that injury was caused on occipital parietal region, which is measured as 5 x 2 cm and 2 x 2 cm., sutured laceration grievous injury. Apart from this injury, other injuries are simple in nature. It can be gathered from the first information report itself that prima facie it appears that the incident took place on a trifle issue of parking of vehicles, and abruptly it culminated into major incident of firing by Nanaji. Due to said firing Vijay lost his life, who was the friend of the applicant and also brother of applicant Pravin also sustained fire injury. Considering the nature of allegations against the

present applicant, though the investigation is still in progress, however, a case is made out for grant of regular bail. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Nitin Chandrakant Deotale be released on regular bail in connection with Crime No.437/2025 registered with Hingna Police Station, Nagpur City for the offence punishable under Sections 109[1] and 3[5] of the Bhartiya Nyaya Sanhita (BNS). on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The applicant/accused to attend the concerned police station twice a month i.e. 2nd and 4th Monday between 11 a.m. to 2 p.m., till the commencement of the trial.
- (iv) The accused shall not enter within the territorial jurisdiction of area where the complainant is residing, [except for attending the police station], till the completion of the trial.
- (v) 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.

- (vi) 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.
- (vii) On commencement of the trial, the accused shall attend each and every date of trial regularly. If he fails to attend the trial for one consecutive date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (viii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (ix) Misc. Applications, if any, are also disposed of.

JUDGE