

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

CRIMINAL APPLICATION (BA) NO. 209/2026
(Gourav S/o Moreshwar Kuteh 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. A. B. Tiwari, Advocate for applicant.
Mrs. Mayuri H. Deshmukh, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 06/03/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.731/2025 registered with Police Station Kapil Nagar, Nagpur for the offence punishable under Sections 191(2), 190, 189(2), 103(1) of the Bhartiya Nyaya Sanhita 2023 read with Section 135, 37(1) of the Bombay Police Act.

3. Brief facts of the prosecution story is that on 26/10/2025 the informant lodged the report that on 25/10/2025, the informant along with deceased Rajesh went to picnic to Mansar. While returning, deceased was driving his car Ford Figo which gave dash to one E-Rikshaw at Mhada Quarter within the limit of Police Station, Kapil Nagar and because of which there was some hot altercation between the owner of E-Rikshaw and

informant and his friends. The accused persons also gathered there and started assaulting the informant and deceased by fist blows and knife. It is alleged that some accused chased deceased and after some time informant noticed that deceased was lying on road and with bleeding injury upon his neck and arms and therefore informant took the deceased to the hospital where doctor declared him dead, hence FIR was lodged.

4. The learned counsel for the applicant submits that initially, when the first information report ("FIR") was registered, there was no mention of applicant's name. However, after recording the supplementary statement, the name of the applicant was stated by the informant Pintu. He further submits that there are no allegations so far as the injuries caused on the person of the deceased by the applicant. In the entire investigation papers, the role attributed to the present applicant is that he is holding the wooden log. Though one of the eyewitness stated that all the accused persons, including the present applicant have assaulted the deceased Rajesh Orekar with the help of wooden log. However, there are no corresponding injuries on the deceased. It is Honey Thakur who has inflicted

blows with the help of knife on the neck of the deceased. Further, accused Lucky, has given the blow with the help of knife on the hand of the deceased and accused Kalpesh has also given the blow on the neck of the deceased. Therefore, he submits that so far as the present applicant is concerned, there is no overt act. On the contrary, he submits that he was attending the engagement ceremony and he was merely present at the time of incident. Even considering the role of the applicant that he was having a wooden log, however, no one has stated that the present applicant has assaulted with the help of wooden log and there is no corresponding injury in the postmortem report, therefore he submits that as the investigation is over, the applicant may be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that the role of the applicant has been stated by the eye-witness. He has not only actively participated in the entire episode, wherein the deceased Rajesh died, but also chased deceased Rajesh and thereafter assaulted him with the help of wooden log. She further invited my attention to the postmortem report, wherein there are as many as five injuries shown including

cut throat injury. She further submits that so far as, the first three injuries are concerned, those are possible by knife. However, two injuries i.e. injury No. 4 and 5, they are possible by wooden stick/wooden log, therefore she submits that considering the direct evidence, the applicant may not be granted bail.

6. I have considered the rival submissions. I have gone through the FIR as well as the statements of witnesses. I have also gone through the postmortem report. It is an admitted position that Pintu who is the friend of the deceased Rajesh, has registered the FIR. Admittedly, in the FIR, the name of the present applicant does not appear. However, it is stated that 8 persons have assaulted deceased with the help of wooden stick. In the supplementary statement, the names of accused persons are stated and in that, the name of the present applicant is also mentioned. In the statement recorded under section 164 of the Code of Criminal Procedure/183 of the BNSS of one Rajni who is said to be eyewitness, in front of whose house the incident took place, she has specifically stated that Honey Thakur, Lucky and Kalpesh have inflicted blows with the help of knife on the neck and hand of the

deceased. The role attributed to the present applicant is that he was having wooden stick/ wooden log. The statement of other witnesses are also on the same lines.

7. It could be gathered from the present facts that the present applicant was having wooden log. However, it was stated that all eight persons have assaulted with the help of wooden stick or wooden log. Had it been a case that all persons have assaulted with the wooden log, there may have been more injuries on the deceased. However, there are only two injuries which can be said to be caused by wooden stick. Therefore, considering the limited role played by the applicant, I am inclined to grant the bail. Hence the following order.

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Gourav S/o Moreshwar Kuthe be released on bail in connection with Crime No.731/2025 registered with Police Station Kapil Nagar, Nagpur for the offence punishable under Sections 191(2), 190, 189(2), 103(1) of the Bhartiya Nyaya Sanhita 2023 read with Section 135, 37(1) of the Bombay Police 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 shall not reside within the jurisdiction of Kapil Nagar, Nagpur.

(vi) 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.

(M. M. NERLIKAR, J.)