



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

CRIMINAL APPLICATION [B.A.] NO. 275 OF 2026

Kailash S/o Ramlal Sawant

-- 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. R.M. Daga, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

Mr. P.V. Navlani, Advocate for assist to prosecution.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.369/2025 for the offence punishable under Sections 109(1), 118(1), 118(2), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Warud, District Amravati.

3. As per the First Information Report dated 25/05/2025, lodged by the informant, Dhanraj Punjabrao Mandokar, it is alleged that there was prior enmity between his family and the family of the accused. On the date of the incident, at about 6:00 p.m., a minor quarrel occurred when the informant's daughter was allegedly slapped by the son of accused

Kailas Sawant, which was later addressed by the informant. It is further alleged that at about 8:30 p.m., near the house of the accused, the informant noticed that accused Kailash Sawant and Mahendra Sawant were assaulting his father. During the incident, accused Mahendra Sawant allegedly struck the informant's father on the head with an axe, causing injury, while accused Kailash Sawant assaulted him with an iron pipe. When the informant intervened, he was also allegedly assaulted with an iron pipe on the head sustaining injuries. On the basis of these allegations, F.I.R. came to be lodged.

4. The learned counsel for the applicant submits that the deceased died six days after the alleged incident. It is further submitted that no statement of the deceased was recorded. The Medico-Legal Case (MLC) report reflects only one injury, which, according to the prosecution material, was inflicted by a co-accused, namely Mahendra. It is further submitted that the statements of five independent witnesses recorded by the Investigating Agency specifically state that another co-accused, Ramlal, inflicted a blow on the head of the deceased with a stick. The said co-accused, Ramlal, has already been granted bail by the trial Court. With regard to the medical opinion, it is submitted that the doctor's query report does not support the use of an iron pipe.

On the contrary, it opines that the injury mentioned in the report of the deceased, Panjab Ramrao Mandokar, could have been caused by an axe (iron blade with wooden handle) and that such injury could result in death. It is further opined that the injury noted in the report of the informant, Dhanraj Panjab Mandokar, could have been caused by an iron hollow pipe or a bamboo stick. On this basis, it is submitted that the death of the deceased cannot be attributed to the present applicant. At the most, the role attributed to the applicant is limited to causing a simple injury to the informant, Dhanraj. Accordingly, it is submitted that, in light of the material placed on record along with the charge-sheet, the applicant deserves to be granted bail.

5. On the other hand, the learned A.P.P. and the learned counsel assisting the prosecution vehemently oppose the application and submit that the cause of death, as reflected in the post-mortem report, is a head injury. They further submit that a specific role has been attributed to the applicant by the informant, who is also an injured witness, stating that the applicant inflicted a blow on the head of the deceased with an iron pipe. Attention is invited to Column Nos. 17, 19, and 23 of the post-mortem report. It is further submitted that the medical opinion was rendered in response to a query made by

the Assistant Police Inspector, wherein the doctor opined that the injury to the deceased could have been caused by an axe and that such injury could result in death. It is contended that this opinion must be read in conjunction with the other material on record, and that it cannot be conclusively held, solely on the basis of the query report, that the applicant was not involved in the crime. The learned A.P.P. and the learned counsel assisting the prosecution also rely upon the statements of the eye-witnesses, including the injured witness, all of whom have stated that the applicant inflicted a blow on the head of the deceased with an iron rod. It is further submitted that the independent witnesses have also spoken about the involvement of the applicant, though they have not specifically stated that the blow was on the head. In view of the overall material collected during the investigation, it is submitted that the applicant does not deserve to be granted bail.

6. I have considered the rival submissions and perused the material placed on record, including the First Information Report and the charge-sheet. The FIR has been lodged by the injured informant, Dhanraj, who has specifically attributed a role to the present applicant, alleging that the applicant inflicted a blow on the head of the deceased with an iron pipe. It further appears from the post-mortem report that

the deceased had sustained two injuries, which are as follows:

17.	Surface wounds and injury - Their nature position, dimensions (measured) and directions to be accurately stated-their probable age and causes to be noted. If bruises be present, what is the condition of the subcutaneous tissues? N.B. (When injury are numerous and cannot be mentioned within the space available they should be mentioned on a separate paper which should be signed).	1. Abraded contusion present over right parieto-temporal junction of scalp, situated 3cm lateral to parietal eminence size 6cm x 4cm, black scab with surrounding dark bluish black in color. 2. Sutured wound present over forehead situated 2.5cm above the glabella in the midline, of length 09cm, obliquely placed, with 10 sutures present in situ, margins apposed and clean. On opening the sutures, it is a lacerated wound of size 9cm x 1cm x bone deep, margins showing granulation tissue reddish in color.
19.	Head- i) Injury under the scalp, their nature	1. Diffuse underscalp hematoma present over bilateral fronto-parieto-temporal region, dark reddish in color. 2. Underscalp hematoma present over occipital region over the occipital protuberance, dark reddish in color.
23.	a) Whether the ante-mortem injuries found on the dead body were sufficient in the ordinary course of nature to cause death.	Yes
	b) If yes, which of the injuries were individually sufficient in the ordinary course of nature to cause death	Injury nos. 1 and 2 mentioned in column no. 17 with its corresponding internal injuries mentioned under column no. 19 are collectively sufficient in ordinary course to cause death
	a) Which of the injuries collectively sufficient in the ordinary course of nature to cause death?	

7. Therefore, it can be gathered from the post-mortem report that the cause of death is a head injury, and Injury Nos. 1 and 2 mentioned in Column No. 17, along with their corresponding internal injuries, are sufficient in the ordinary course of nature to cause death. Much emphasis was placed on the query report obtained by the Investigating Officer from the Medical Officer, Rural Hospital, Warud, District Amravati, wherein it was opined that the injury mentioned in the report of the deceased could have been caused by an axe and that such injury could result in death. However, this cannot be the sole basis for consideration of the present application. The entire material placed on record along with the charge-sheet is required to be taken into account. At this stage, it is pertinent to note that several witnesses have specifically attributed a role to the present applicant. It prima facie appears from the record that the applicant assaulted the deceased on the head with an iron rod. It is further noted from the FIR itself, the version regarding the role of the applicant has remained consistent, attributing to him the act of inflicting a blow on the head of the deceased with an iron pipe. The independent witnesses have also stated about the involvement of the applicant and his use of an iron rod, though they have not specified the exact part of the body where

the blow was inflicted. Though the query report suggests the use of an axe, it is to be noted that the said report was obtained from the Medical Officer, Rural Hospital, whereas the post-mortem was conducted at the Government Medical College and Hospital, Nagpur. It was expected from the Investigating Officer that query report ought to have been obtained from the Government Medical College and Hospital, Nagpur, where the post-mortem of deceased was conducted or from those doctors who have conducted post-mortem of deceased, if available. The inconsistency between the query report and the post-mortem report regarding the weapon used is not, by itself, sufficient to grant bail. The statements of the eye-witnesses are consistent and specifically attribute the role of inflicting a blow on the head of the deceased with an iron pipe to the applicant. These statements are further corroborated by the post-mortem report, which indicates that the injuries sustained were sufficient to cause death in the ordinary course of nature. In view of the aforesaid material, I am not inclined to grant bail to the present applicant. Hence, the application stands **rejected.**

[M.M. NERLIKAR, J]