



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

CRIMINAL APPLICATION [B.A.] NO. 294 OF 2026

Mahendra s/o Ambadas Dhule

-- 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. Vivek R. Thote, Advocate for the Applicant.

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

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 23, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.243/2025 for the offence punishable under Sections 109, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Phophali, District Yavatmal.

3. As per the First Information Report dated 14/07/2025, lodged by the informant, Ambadas Prabhakar Dhule, it is alleged that about 8 to 10 days prior to the incident, the accused had quarreled with informant's father and had extended threats to his life, though the dispute was settled. It is alleged that on 11/07/2025, at about 5:30 p.m., when the informant's father went near the village public water tank with cattle, the applicant assaulted him by hitting a stone on his head with an intention

to cause death, resulting in serious injuries. The injured was shifted to various hospitals and ultimately taken to Nanded, where he was undergoing treatment and had slipped into coma. On the basis of these allegations, the informant has sought action against the accused for the said assault.

4. The learned counsel for the applicant submits that there was no intention on the part of the applicant to cause death of the victim, however, he submits that he picked a stone lying on the road and pelted it on the side of the victim, wherein the stone hit on the head of the victim and caused grievous injury. He submits that it was only single blow. Even the papers of investigation does not show the reason why the applicant has assaulted with the help of stone. He further submits that abruptly after seeing the victim when he was proceeding to provide water to the cattle, the applicant arrived from opposite direction on a bullock cart and pelted stone, which hit the victim on the head. Therefore, he submits that the intention cannot be attributed that he wanted to kill the applicant, therefore, he submits that ingredients of Section 109 of BNS is not attracted. He further submits that there are no antecedents, the applicant is behind bars since 15/07/2025. The investigation is over and charge-sheet is filed and till

today no charges are framed. He also submits that there is delay in registration of the F.I.R.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that there are serious allegations against the applicant. For no reason the applicant has pelted stone towards the victim with an intention to cause death. He further submits that the injury certificate specifically discloses that the injury is grievous and he was shifted from Yavatmal to Nanded. The victim was required to take treatment for 25 days as an indoor patient as he had suffered *“Subtle linear fracture right temporal bone”*. He further submits that the victim has specifically stated that the applicant, without any reason, assaulted him by throwing a stone which hit his head, and, therefore, from this fact itself, the intention to cause death can be gathered. He submits that the victim has somehow survived the incident and, therefore, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. Admittedly, it appears from the record that, the F.I.R. was registered by the son of the victim, namely, Ambadas, on 14/07/2025. The incident occurred on 11/07/2025. Admittedly, victim was taken from Yavatmal to Nanded and, therefore, there is every possibility that there was delay in registering the

F.I.R., that by itself, is not fatal when the victim was taken from one place to another for treatment. It is further to be noted that the allegations against the applicant are that while proceeding to provide water to the cattle the applicant has abruptly pelted stone on the victim's head which hit the victim on the head and caused grievous injury. The reason seems to be of some previous enmity between the applicant and the father of the informant, i.e., victim. No doubt, the injury is grievous and the applicant was required to take treatment for 25 days, so also it had caused fracture to the head, however, now the fact remains that the applicant is behind bars since 15/07/2025 and further the investigation is over and charge-sheet is filed. Even till today no charges are framed. No purpose would be served by keeping the applicant behind bars, therefore, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is allowed;

(ii) The applicant/accused (Mahendra s/o Ambadas Dhule) be released on regular bail in connection with Crime No.243/2025 for the offence punishable under

Sections 109, 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, (BNS), registered with Police Station Phophali, District Yavatmal, on his furnishing a P.R. bond of Rs.25,000/- (Twenty Five 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 applicant shall not enter into the village Taroda, Taluka Umarkhed, District Yavatmal;

(v) 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;

(vi) 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 can *suo moto* take cognizance of this and cancel the bail;

(vii) Pending Misc. Application(s), if any, also stand disposed of.

PIYUSH MAHAJAN

[M.M. NERLIKAR, J]