

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

CRIMINAL APPLICATION NO.296 OF 2026

Rupesh s/o Laxman Waghade

..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

Shri Uday Dable, Advocate for the applicant.
Mrs M.H. Deshmukh, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 23.03.2026.

Heard

2. By way of this application, the applicant is seeking bail in connection with Crime No.18 of 2025 registered with Dhantoli Police Station, Nagpur City for the offence punishable under Sections 103(1), 125(b), 115(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023.

3. The FIR has been lodged by the brother of the deceased Himanshu Naynekar alleging that on 14.01.2025 when he went in search of his brother i.e. deceased at around 11.00 p.m., he saw the deceased talking with Yogesh , which converted into hot exchange of words. During the quarrel, the accused persons beat the deceased. Main accused Kunal stabbed the deceased with the help of knife and other co-accused also beat him and accused no. 4 Kajal threw brick pieces at the deceased. The deceased Karan was taken to the Hospital, where he was declared dead at around 11:45 p.m.

4. Learned Counsel for the applicant submits that

the role attributed to the present applicant is that he pulled the deceased on the ground, except this there is no overt act on the part of the applicant. Initially there was scuffle between Yogesh Kowe and the brother of the informant (deceased Karan). Thereafter, sister of Yogesh namely Kajal (accused no.4) along with her husband Kunal came to the spot. Kunal inflicted blow on the person of the deceased Karan with the help of knife. At that time the present applicant also assaulted the deceased with fist and kick blows. The role of the applicant could be gathered from the statement of the eye-witnesses, wherein it is stated that “रूपेश ने लकी को पकड़के निचे गिराया.”. The main assailant is Kunal and not the present applicant. It is also submitted that this Court vide order dated 16.02.2026 has released accused Yogesh Kowe and therefore, considering the limited role of the present applicant, he may be enlarged on bail on parity.

5. On the other hand, learned APP vehemently opposes the application on the ground that there is ample evidence against the present applicant like statement of eye-witnesses, CCTV footage etc.. The role played by the applicant is very important in the entire episode. The applicant not only gave fist and kick blows to the deceased but also he pulled down the deceased lucky on the ground and therefore, it was made easy for main assailant Kunal to inflict the blow on the person of the deceased. Therefore, considering the role played by the applicant, the application deserves to be rejected.

6. I have considered the rival submissions and

perused the record. Admittedly, this Court has granted bail to accused Yogesh Kowe, who was involved in the present crime. It appears from the entire episode that the applicant pulled down the deceased on the ground and thereafter the main assailant Kunal inflicted blow on the person of the deceased. The applicant has not given blow with the help of any weapon, which could be gathered from the transcript of CCTV footage and statement of eye-witnesses also. The role of the present applicant is somewhat similar to the role of Yogesh Kowe, who has been released on bail by this Court. Therefore, considering the nature of material against the applicant, I am inclined to enlarge the applicant on bail on certain terms and conditions. Hence, the following order :

- (a) The application is allowed.
- (b) The applicant Rupesh s/o Laxman Waghade in connection with Crime No.18 of 2025 registered with Dhantoli Police Station, Nagpur City be released on bail on furnishing P.R. bond of Rs.50,000/- with one or two sureties in the like amount.
- (c) The applicant shall not entered into the vicinity of Takiya Dhantoli, Nagpur City.
- (d) The applicant 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.
- (e) 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.

- (f) The applicant shall not commit any similar type of offence.
- (g) 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.

7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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