

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

CRIMINAL APPLICATION (BA) NO. 345/2026

(Umesh @ Bunt S/o Ashokrao Pawar 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. T.U. Tathod, Advocate for applicant.
Ms. P. C. Bawankule, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 09/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.231/2025 registered with Police Station Nandgaon Peth, Dist. Amravati for the offence punishable under Sections 103(1), 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Brief facts of the prosecution story are that the informant has lodged report alleging that on 11/07/2025 Shiva Fulwani and present applicant came to their house on motor cycle and at 07:30 pm his brother Rajkumar left the house with them. At 08:30 am on 12/07/2025 police came to the house of the informant and informed him that, his brother Rajkumar was found in injured condition near SA Imperial Restaurant and Bar and he was declared dead.

Thereafter, the informant visited the SA Imperial Restaurant and Bar and noticed in the CCTV Footage that Shiva Pulwani, Ravi Tejawani, Ajay Methani came along with one lady in the Bar and on 12/07/2025 at 03:45 am the applicant Bunty Pawar and Shiva Fulwani had a scuffle with the deceased in front of SA Bar and Bunty Pawar was seen providing knife to Shiva Fulwani and Shiva Fulwani assaulted the deceased with the said knife. On this basis first information report is lodged.

4. The learned counsel for the applicant submits that the applicant has not played any role in the entire incident. From the CCTV footage, it is clear that it is Shiva Fulwani - accused No.1 who has inflicted blow with the help of sharp edged weapon on the knee of the deceased, due to which deceased died. There are no other injuries in the postmortem report on the body of the deceased. He has invited my attention to the CCTV footage, wherein it is specifically stated that though applicant was present, however absolutely there is no overt-act on the part of the applicant. It is Shiva accused No.1 who had abruptly taken out the knife and gave blow on the knee of the deceased, therefore he submits that considering this fact that even

the applicant was unaware of the fact that the accused No.1 will inflict blow on the deceased, the applicant be released on bail considering the nature of allegations and limited role played by him.

5. On the other hand, the learned APP submits that the applicant and the accused No.1 together had hatched the conspiracy to eliminate the deceased. The applicant, accused No.1 and other three persons were in the hotel, where this incident took place. Though in the CCTV footage, it is seen that the blow was inflicted by accused No.1 Shiva, however since the inception, the applicant was with the said accused - Shiva. She submits that there are criminal antecedents against the applicant and offences are registered since 2010 till 2018, therefore considering the fact that the applicant is a habitual criminal, the applicant may not be granted bail.

6. I have considered the rival submissions. I have perused the first information report. It appears that the first information report was registered by the brother of the deceased namely Prakash. Prakash has stated that on 11/07/2025 at 07:30 pm, the applicant and Shiva came to

the house and took the deceased along with them. It further appears that all the accused persons went to the hotel. They booked one room and stayed at that hotel. It further appears that at about 03:45 am on 12/07/2025, the applicant, main accused Shiva and the deceased went outside the hotel. It appears that they were talking. Shiva abruptly gave the blow on the knee of the deceased with the help of sharp edged weapon. Even after giving the blow, they were still talking. It is further to be noted that the CCTV footage does not show that there was some assault or quarrel between them. It appears from the transcript of the CCTV footage that casually they were talking and abruptly Shiva has inflicted blow on the knee of the deceased. Perusal of the postmortem report shows that there are no other injuries on the person of the deceased except stab wound over left knee at lateral aspect 2 x 1 cm into muscle deep. Due to this injury, the doctor had opined the said injury to be cause of death. After perusal of the record, admittedly from the CCTV footage, it appears that the applicant has neither played any role in the assault of the deceased nor he has forcefully taken the deceased along with him. Though there are antecedents

against applicant, however the learned counsel for the applicant submits that only two offences are pending against the applicant out of 11. In all the nine offences, the applicant has been acquitted, even it is to be seen that after 2018 there are no crimes registered against applicant. Under such circumstances it is not desirable to keep the applicant behind bars. Therefore, considering the nature of allegations and material collected by the investigating agency, I am inclined to grant bail to applicant, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Umesh @ Bunt S/o Ashokrao Pawar be released on regular bail in connection with Crime No.231/2025 registered with Police Station Nandgaon Peth, Dist. Amravati for the offence punishable under Sections 103(1), 3(5), 61(2) of the Bharatiya Nyaya Sanhita, 2023 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/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 observation of this Court are prima facie in nature and are only limited to this application. The Trial Court shall not be influenced by the aforesaid observations.

(M. M. NERLIKAR, J.)

Gohane