



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

CRIMINAL APPLICATION NO. 1022 OF 2026 in
CRIMINAL APPLICATION NO.364 OF 2026

Dinesh s/o Shalik Tijare

..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 R.M. Daga, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.
DATE : 02.04.2026.

Shri Aniket N. Rangari, learned Counsel appearing for the informant has filed an application to assist the prosecution, however it appears from his arguments and the contents of the application that he is supporting the applicant and not assisting the prosecution.

2. In this view of the matter, the application for grant of leave to assist the prosecution is hereby rejected.

CRIMINAL APPLICATION NO.364 OF 2026

3. Heard.

4. By way of this application, the applicant is seeking bail in connection with Crime No.360 of 2025 registered with the Wadner Police Station, District Wardha for the offence punishable under Sections 103(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 on the ground that there was no intention to kill the deceased father.

5. The First Information Report came to be lodged

by the brother of the applicant/accused alleging that on 04.10.2025 between 10.00 am to 11.00 am, the applicant committed murder of his father with the help of an axe as there was a quarrel between the applicant and his father.

6. Learned Counsel for the applicant submits that there was no intention on the part of the applicant to kill his father. Applicant's father was of quarrelsome nature and used to quarrel with mother and other family members. He submits that had it been a case that he intended to kill his father, then he would have assaulted the deceased father with the help of sharp edged side of axe. However, the injuries were inflicted by the wooden log attached to the axe. Learned Counsel for the applicant has invited my attention to postmortem report wherein injuries are shown on both the hands and legs. However, those injuries are fracture injuries. The cause of death is shown as "hypovoluemic shock due to bleeding from the laceration wounds on the body of the patient". And therefore, considering the very fact that there was no intention on the part of the applicant, he deserves to be enlarged on bail.

7. On the other hand, learned APP vehemently opposes the application on the ground that the deceased was brutally beaten by the applicant, which could be gathered from the postmortem report. Apart from that the informant is an eye-witness to the said incident, who has seen the applicant holding the axe and the deceased was lying in the pool of blood, when he arrived at the place of incident on the call of Shashwati, the daughter

of the informant. Therefore, as there is more than sufficient material against the present applicant, the application deserves to be rejected.

8. I have considered the rival submissions and perused the record. It appears that on 04.10.2025, a call was made by Shashwati to the informant, stating that a quarrel took place between the applicant and the deceased. When the informant arrived at the place of incident he saw that the applicant is holding an axe in hand and the deceased was lying in the pool of blood. Perusal of the Postmortem report shows that the injuries are on the upper and lower limbs of the deceased. There are fracture injuries and cause of death is shown as “hypovoluemic shock due to bleeding from the laceration wounds on the body of the patient”. No doubt there are serious injuries on the body of the deceased, however there was no intention on the part of the applicant to commit the murder of his father as he inflicted blow on the deceased with the help of wooden log attached to the Axe. Considering the nature of allegations and the involvement of the applicant, and the fact that the investigation is complete, charge-sheet is filed and that the applicant is behind bars since 04.10.2025, 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 Dinesh s/o Shalik Tijare in connection with Crime No.360 of 2025 registered with the Wadner Police Station, District Wardha be released on bail on

furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.

- (c) 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.
 - (d) 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.
 - (e) The applicant shall not commit any similar type of offence.
 - (f) 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.
9. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
10. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)