

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

CRIMINAL APPLICATION NO.372 OF 2026

Shivhari s/o Domaji Gedam

..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 Kanak Y. Mandpe, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.

CORAM: M.M. NERLIKAR, J.

DATE : 02.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.399 of 2025 registered with Jalalkheda Police Station, Nagpur for the offence punishable under Sections 103(1), 118(1) of the Bharatiya Nyaya Sanhita (BNS) 2023.

3. The First Information Report came to be lodged by the brother of the victim alleging that the present applicant had beaten his brother(deceased) with the help of bamboo stick.

4. Learned Counsel for the applicant submits that the incident had occurred on account of a demand of Rs.500/- for consumption of liquor for which the deceased denied and the alleged incident took place. It is submitted that at the time of incident the applicant was in a drunken condition and assaulted the deceased on chest, backside as well as on the hands with a bamboo stick. Due to which the deceased died. There was no intention on the part of the applicant however there was scuffle between the applicant and the deceased.

Therefore, considering the nature of allegations, the applicant is prayed to be enlarged on bail.

5. On the other hand, learned APP vehemently opposes the application by inviting my attention to the postmortem report which shows that there were multiple injuries on the body of the deceased. There was also displaced fracture present on posterior surface of 1st, 2nd, 3rd and 4th ribs of right thoracic cage. An intention can be very well gathered from the fact that the applicant has given repeated blows with the help of bamboo stick on the body of the deceased. There are two eye-witnesses to the said incident who have narrated the entire episode and stated about the alleged assault and therefore, in view of the serious nature of allegations the applications deserves to be rejected.

6. I have considered the rival submissions and perused the record. It appears that there was a scuffle between the applicant and the deceased on account of demand of Rs.500/- which was denied by the deceased. Postmortem report also shows that there were serious injuries on the body of the deceased as the applicant gave repeated blows with the help of bamboo stick. However, it is very difficult to say that the act of the applicant is intentional to commit murder of the deceased and therefore, I am inclined to enlarge the applicant on bail as the investigation is complete, charge-sheet is filed and that the applicant is behind bars since 28.08.2025. Hence the following order :

(a) The application is allowed.

(b) The applicant Shivhari s/o Domaji Gedam in connection with Crime No.399 of 2025

registered with Jalalkheda Police Station, Nagpur 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 applicant 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 applicant 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.)