



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

CRIMINAL APPLICATION (BA) NO. 380/2026
(Shubham S/o Ramesh Tade 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. S. V. Sirpurkar, Advocate for applicant.
Mr. S. Haider, 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.490/2025 registered with Police Station Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case in nutshell is that informant namely Vinay Hiranman Hissal lodged First Information Report ("FIR") on 22.10.2025 that on 21.10.2025 in the night at 8.30 pm he received a phone call from his cousin sister Swati informing that Amol is being beaten by Yogesh and his friends. Immediately thereafter the informant and his cousin Ashish reached the spot at that time accused Yogesh was holding head of Amol and was hitting it on the

platform in front of the house of Somaji Tawde and the present applicant along with co-accused Dyaneshwar Pandit were assaulting Amol with fist and blows on his chest, back and head. The informant rescued Amol and asked him as what happened, thereafter Amol narrated the entire episode that Yogesh and Shubham had thrown crackers on Amol over which there was scuffle between them and thereafter Yogesh and Shubham started assaulting Amol with fist and kick blows. It is further alleged that co-accused Dyaneshwar came there and assaulted with screwdriver on forehead of Amol. Amol successfully escaped and went to his aunt's house. Thereafter, again when Amol was standing near Pimpal tree at that time Yogesh took hold of the head of Amol and started assaulting Amol and other accused persons assaulted him with kick and fist blows. When Amol was taken to the hospital, the doctor declared him brought dead.

4. The learned counsel for the applicant submits that in the present matter, the incident appears to have happened on 21/10/2025 at about 08:30 pm and the FIR was registered on 22/10/2025 at about 04.00 pm. There is

delay of near about 16 to 18 hours in registration of the FIR, therefore according to the learned counsel for the applicant, the entire story has been concocted. Upon perusal of the FIR, he submits that the informant was present along with the deceased at the relevant time. However, had it been a case that such brutal assault was made on the deceased, he would have taken Amol to the hospital immediately, instead of that he firstly took him to the petrol pump and thereafter to the Rana Wine Bar, where the deceased fell down. He submits that this itself shows that there was no such brutal attack by the applicant and it has been exaggerated. When the informant has taken the deceased to Rana Wine Bar, at that time he collapsed and thereafter they rushed him to the hospital. He further submits that on perusal of other papers it would demonstrate that at no point of time, the informant has informed the police about the assault by the applicant and others, therefore the learned counsel submits that the entire story of the prosecution is doubtful. He further submits that even if the FIR and the other evidence is accepted as it is, the role of the present applicant is only to the extent of giving fist and kick blows and nothing more

than that. The main assailant is Dhyaneswar and not the present applicant. He further submits that the cause of death is internal hemorrhage, which cannot be due to fist and kick blows. Considering the allegations against the applicant, he be released on bail.

5. On the other hand, the learned APP vehemently opposes the application and submits that the present applicant has played a specific role by assaulting the deceased with fist and kick blows. She has invited my attention to the postmortem report specifically to column number 19 which shows that there are internal injuries to the head. The applicant has given fist and kick blows on the chest, back side as well as on the head. Considering the active role of the applicant and further there are other eye-witnesses, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. It appears from the FIR that the applicant and other accused persons threw the fire crackers on the deceased and therefore there was quarrel. It further appears from the record that said incident occurred on 21/10/2025 at about 8:30 pm. The

FIR is registered on the basis of the oral dying declaration of deceased Amol, wherein it is stated that the present applicant threw fire crackers on him and thereafter started assaulting him with the fist and kick blows on the chest, back side and on the head. Accused - Dnyaneshwar has given blow with the help of screw-driver on the head of the deceased. It appears that after the information received by the informant, he rushed towards the spot of incident and took Amol with him. At that time, as there was less petrol in the vehicle, they went to the petrol pump and from petrol pump surprisingly they went to the Rana Wine Bar. It is further to be noted that the said incident was reported to the Police and it is registered under Section 194 of Bharatiya Nagarik Suraksha Sanhita i.e. unnatural death. Had it been a case that the deceased had disclosed all these facts to the informant then naturally he would have immediately disclosed this fact either to the police machinery or to the doctors. Therefore, no point of time, the informant has informed about the disclosure made by deceased to him, nor in the medical papers or other documents, no incident was narrated. It is further to be noted that the offence was registered on the next day at

about 04.00 pm. Under such circumstances the delay will necessarily have to be considered, as it creates doubt about the veracity of the case of the prosecution. Even if the prosecution story is accepted as it is, the role attributed to the present applicant is only to the extent of giving fist and kick blows on the chest, back side and on the head. The cause of death is internal hemorrhage. However the final cause of death is yet to be determined. Under such circumstances I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Shubham S/o Ramesh Tade be released on regular bail Crime No.490/2025 registered with Police Station Jalgaon Jamod, Dist. Buldhana for the offence punishable under Sections 103(1), 3(5) 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