



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [BA] NO. 386 OF 2026.

Harshal Manoj Khedkar

-VERSUS-

State of Maharashtra.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri R.M. Daga, Advocate for the Applicant.
Ms M.H. Deshmukh, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 08, 2026.

Heard.

2. The applicant came to be arrested in connection with Crime No.1457/2025 registered with Wardha Police Station, District Wardha, for the offence punishable under Sections 118[2] and 3[5] of the Bharatiya Nyaya Sanhita, 2023 (BNS). Charge sheet came to be filed and Section 103[1] of the BNS came to be added.

3. The first information report is lodged by Akash Jivtode alleging that his friend Ajay Korthi used to go with

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him for work. On 01.10.2025, when the informant went to attend the birthday of his friends's son, Ajay Korthi along with his friend Gajanan Bawankar was also present there. One Harshal Khedkar, nephew of friend of informant (Ravi Khedkar) was also present. There, Gajanan Bawankar asked Harshal Khedkar as to when he would be returning his money, on which Harshal said that he would be returning by 17-18 of that month. Thereafter, when the informant, Gajanan Bawankar and Ajay Korthi were returning, on the way Harshal Khedkar came and assaulted Gajanan Bawankar by fist and kick blows, and when Ajay Korthi tried to pacify the quarrel, Harshal assaulted him also. Thereafter, all the three persons went to the police station for lodging report.

4. Again on 02.10.2025 in the night hours at 1 a.m. when the informant along with his friend Ajay Korthi went to Station File for bringing motorcycle of Gajanan Bawankar, Harshal Khedkar and his brother Manthan Khedkar were sitting on the said motorcycle. When Ajay Korthi reached near the motorcycle, Harshal assaulted him with the help of baseball bat on head, left hand and other parts of the body,

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because of which there was bleeding injury to head of Ajay. Further they also assaulted Ajay with fist and kick blows and ran away from the spot. Hence the report.

5. The learned Counsel for the applicant submits that the first information report was registered on 02.10.2025 on the basis of the information given by Akash Jivtode, who is friend of Ajay Korti. On 01.10.2025 a quarrel took place due to some monetary transaction between the applicant and Gajanan. So far as the main incident is concerned, it occurred in the midnight at about 1 a.m. It is alleged by the informant that the present applicant with the help of baseball bat has inflicted blow on the head of the deceased, and at the relevant time younger brother of applicant namely Manthan also accompanied him. It is submitted that the informant has changed his version in the statement dated 14.10.2025, and had put the blame on the younger brother of the applicant namely Manthan. It is alleged in the said statement that Manthan has given blow with the help of baseball bat on the head of the deceased, which is the cause of death, as can be gathered from the postmortem report. So far as the present

applicant is concerned, the allegations are that he has assaulted by fist and kick blows. My attention is invited to the statement of independent witness, who also speaks that Manthan Khedkar has assaulted the deceased with the help of baseball bat on the head of Ajay, which resulted into his death. Not only that, statement of one of the witness namely Samiksha, wife of the informant, reveals that she was informed by the informant that Manthan gave blow on the head of the deceased with the help of baseball bat. Therefore, according to the learned Counsel, considering the role played by the applicant, he deserves to be enlarged on bail.

5. On the other hand the learned A.P.P. vehemently opposed the application by submitting that though the main role is alleged to the younger brother of the applicant namely Manthan, however, the applicant equally had participated in the entire episode. Not only this, it is the applicant who has started the quarrel. In the first information report the informant has narrated the incident implicating the present applicant as the main culprit, and stated that it is the applicant who has given blow with the help of baseball bat on the head

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of the deceased which resulted into his death. On the query to learned A.P.P., that the statements are contrary to each other, as it implicates Manthan and Harshal, so also Harshal has also played specific role which could be gathered from various statements. On instructions, learned A.P.P. submitted that the incident was captured in the CCTV footage wherein Manthan was seen assaulting on the head of the deceased. She further submits that the pendrive containing CCTV footage was forwarded for forensic science analysis, and therefore, at present, said CCTV footage / pen drive is not available. Thus, considering the role played by the applicant since inception, he does not deserve to be released on bail.

I have considered the rival contentions of the parties, have gone through the first information report and investigation papers. Perusal of first information report dated 02.10.2025 lodged by Akash, reveals that on 01.10.2025 on the account of returning of the money, there was a quarrel between Ajay Korti, Gajanan Banwakar on one side and Harshal Khedkar on the other. Some how the same was pacified, however, at 1 a.m. when the informant along with the

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deceased Ajay Korti went to bring motorcycle of Gajanan Bawankar at Station file, at that time Harshal Khedkar – present applicant along with Manthan were present on the spot. Harshal questioned the deceased as to why he has lodged report to the police and after which Harshal gave blow with baseball bat on the body of the deceased and lastly he gave blow on the head of the deceased, as a result of which the deceased succumbed to the injury. It appears from the record that statements are recorded by the investigating officer wherein a contrary story was put forth alleging that Manthan, the younger brother of the applicant had given blow with the help of baseball bat on the head of the deceased. In the statement dated 14.10.2025, the informant has also narrated that Manthan, younger brother of the applicant, with the help of baseball bat had assaulted the deceased, resulting into his death, which can be gathered from the postmortem report. It is to be noted that as per the argument of learned A.P.P. the incident was captured in the CCTV footage and younger brother Manthan was seen giving blow with the help of baseball bat, meaning thereby the entire allegation of

committing murder is against Manthan, however, although present applicant has participated in the entire episode, however, fact remains that Manthan has assaulted the deceased. Thus, considering the limited role played by the applicant that he has given fist and kick blows, I am inclined to grant him bail. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Harshal Manoj Khedkar, be released on regular bail in connection with Crime No.1457/2025 registered with Wardha Police Station, District Wardha, for the offence punishable under Sections 118[2], 103[1] and 3[5] of the Bharatiya Nyaya Sanhita, 2023 (BNS) on his furnishing P.R. Bond of Rs.50,000/- with two sureties in the like amount.
- (iii) The accused shall not enter within the territorial jurisdiction where the informant is residing, till the completion of the trial.
- (iv) 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.

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- (v) 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.
- (vi) The accused shall attend each and every date of trial regularly. If he fails to attend the trial for one single date, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.
- (vii) The above observations are prima facie in nature, and restricted for the purpose of deciding this application. The Trial Court shall not get itself influenced by said observations, during the course of trial.
- (viii) Misc. Applications, if any, are also disposed of.

JUDGE