



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

CRIMINAL APPLICATION [BA] NO. 400 OF 2026.

Rajkumar Betansingh Bawri.

-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 A.S. Shukla, Advocate for the Applicant.
Ms S.Z. Haider, 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.771/2025 registered with Sawangi Meghe Police Station, District Wardha, for the offence punishable under Sections 109[1], 132, 121, 191[1], 191[2], 191[3] of the Bharatiya Nyaya Sanhita (BNS), Sections 4 and 25 of the Arms Act, Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 135 of the Maharashtra Police Act, 1951. Charge sheet came to be filed and Section

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112 of the BNS came to be added.

3. The first information report is lodged by the police official attached to the Sawangi Meghe Police Station, District Wardha alleging that they had received secret information that the applicant is engaged in gambling in a tin shed adjacent to his house and several persons have assembled there for gambling. When the police party reached there they found that several persons had gathered there for gambling, on seeing the police some of them ran away. When the raid was going on the applicant threatened the police officials of dire consequences, and the police party was attacked with stones and sword. The applicant inflicted sword blow on police constable Sanjay Panchbhai. The family members of the applicant also joined him in the said incident. Hence the report.

3. The learned Counsel for the applicant submits that the applicant has been falsely implicated at the hands of the police authorities and they have registered the offence against the applicant. Though there are allegations in the first information that the present applicant along with other

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persons have inflicted blows with the help of sword on the hand of one police constable namely Sanjay Panchbhai, perusal of the first information report would reveal that even other accused persons have tried to give blow on the head, however, it was evaded by those police officials, and injuries have been inflicted on hand. This according to the applicant is an exaggeration and police officials are showing themselves as victims. However, it is the police officials who have disturbed the entire house of the applicant and also implicated ladies and other family members of the applicant in the present crime. It is submitted that though there are antecedents against the applicant in respect of gambling, however, in none of those cases, the prosecution was successful in taking those matters to its logical end. The entire story is concocted one by the police officials and therefore the applicant deserves to be released on bail.

5. On the other hand the learned A.P.P. has vehemently opposed the application by submitting that the applicant is a habitual criminal. The first information report speaks for itself. The applicant along with other 23 accused

persons have assaulted the police officials, who went to the house of the applicant since they received secret information of gambling behind his house in a tin shed, accordingly raid was conducted, in which the applicant and other accused persons mercilessly pelted stones and assaulted them with sword. The applicant also instigated other accused persons to assault the police party. He has assaulted one police constable on head with sword, however, he was successful in evading the said blow, but, an injury was caused on his hand and therefore, according to the learned A.P.P., considering the fact that the applicant is a habitual criminal and identical offences are registered against him, he is not entitled to be released on bail.

6. I have considered the rival submissions of the parties. Contents of first information report depicts that when the raid was conducted, the applicant along with other accused persons have created ruckus; they have pelted stones and applicant instigated others by uttering "*in police walo ko aaj jaan se mar denge*". So far as the present applicant is concerned, he has inflicted injury with the help of sword on the police official, however, perusal of injury certificate would

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demonstrate that there is injury on the right hand index finger of size 4 x 1 cm, and there are other injuries on right palm of 4 x 2 cm. Those injuries were classified as grievous injuries. There are injury certificates of other police officials namely – Satish Dudhane and Gopal Shinde. It is very interesting to note that the Doctor has given opinion that the injuries were caused by hard and blunt object. It is further to be noted that all the injured in their statements, stated that the accused persons tried to hit with sword and other weapons on the head, however, they have stopped the said assault with their hands and accordingly injury was caused to hand. Prima facie it is very difficult to accept the story of the prosecution. It seems like an exaggerated version of the incident. It appears from the first information report that the weapon used was wooden stick, and not sword which is further corroborated by the injury certificate wherein it is opined that hard and blunt object was used to cause injuries.

Further it is to be noted that as demonstrated in the first information report the family members of the applicant have also participated in the entire episode of breaking utensils

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and other furniture. It is very difficult to believe this, therefore, considering the nature of allegations, coupled with the fact that the applicant is behind bars since 28.09.2025 and investigation is over, charge sheet is filed, I am inclined to grant bail to the application. Hence, the following order.

ORDER

- (i) Criminal Application is allowed and disposed of.
- (ii) The applicant /accused Rajkumar Betansingh Bawri be released on regular bail in connection with Crime No.771/2025 registered with Sawangi Meghe Police Station, District Wardha, for the offence punishable under Sections 109[1], 132, 121, 191[1], 191[2], 191[3] and 112 of the Bharatiya Nyaya Sanhita (BNS), Sections 4 and 25 of the Arms Act, Sections 4 and 5 of the Maharashtra Prevention of Gambling Act, 1887 and Section 135 of the Maharashtra Police Act, 1951 on his furnishing P.R. Bond of Rs.50,000/- with two sureties 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 Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (v) 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.
- (vi) 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.
- (vii) Misc. Applications, if any, are also disposed of.

JUDGE