

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

CRIMINAL APPLICATION (BA) NO. 405/2026

(Nikhalesh @ Nigam S/o Prakash Meshram 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. O.K. Masurke, Advocate for applicant.
Ms. P.C. Bawankule,, APP for non-applicant/State.
Mr. N. R. Tekade, Advocate for assisting to prosecution.

CORAM: M. M. NERLIKAR, J.

DATED : 09/04/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No.11/2024 registered with Police Station Gondia City, Dist. Gondia for the offence punishable under Sections 307, 34, 120-B of the Indian Penal Code read with Section 3/25 of the Arms Act.

3. Brief facts of the prosecution story are that the informant namely Lucky Chaganlal Yadav by way of report has alleged that on 11/01/2024 at about 11.00 he was sitting in the car which was parked in front of his house and he wanted to go to Chirwal Dham for business purpose. As soon as he started the car and was heading towards "Yadav Chowk" at that time he saw his uncle

Lokesh Yadav on the road in front of Savalani Kirana shop in Hemu Colony Chowk. Falling down from his motorcycle. At that time two unknown person were seen riding a black Hero splendor motorcycle and they were coming towards the house of informant at a high speed. His uncle Lokesh Yadav told the informant and pointed his left hand towards the motorcycle rider by saying that "TU UNKO PAKAD UNHONE MUJHE GOLI MARI HAI". Informant tried to catch them but due to their fast speed, the informant could not catch them. Therefore, the informant took his uncle to the hospital On this basis, First Information Report ("FIR") was lodged against unknown persons.

4. The learned counsel for the applicant submits that the allegations against the applicant is that he has procured the weapon pistol from accused No.12. The only incriminating material against the applicant is the statement of the co-accused Prashant Meshram. Apart from that, there is no material against the applicant and therefore, the learned counsel for the applicant submits that as such statement is not admissible, therefore the applicant deserves to be granted bail. This fact has been conceded by the learned APP and counsel assisting to the

prosecution stating that except confessional statement, there is no material on record.

5. I have considered rival submissions. It appears from the arguments advanced by the parties that the applicant was implicated in the crime on the basis of the statement made by co-accused Prashant (main accused). Apart from that, there is no material in the entire charge-sheet. The applicant is behind bars since 05/03/2025 and further there are no criminal antecedents against the applicant. The investigation is complete and charge-sheet is filed.

6. Considering the above facts and circumstances of the case, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Nikhalesh @ Nigam S/o Prakash Meshram be released on regular bail in connection with Crime No.11/2024 registered with Police Station Gondia City, Dist. Gondia for the offence punishable under Sections 307, 34, 120-B of the Indian Penal Code read with Section 3/25 of the Arms Act 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 observation.

(M. M. NERLIKAR, J.)