

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

CRIMINAL APPLICATION NO.409 OF 2026

Sunil s/o Narendra Rathod

..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 S.S. Kulkarni, Advocate for the applicant.
Ms T.H. Udeshi, APP for the State.
Shri Paresh Thakur, Advocate, Assist to prosecution.

CORAM: M.M. NERLIKAR, J.

DATE : 10.04.2026.

Heard.

2. By way of this application, the applicant is seeking bail in connection with Crime No.37 of 2025 registered with Karanja Rural Police Station, District Washim for the offence punishable under Sections 109, 190, 189(2), 189(4), 191(2), 191(3), 324(4), 352, 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023, on the ground that the allegations are exaggerated.

3. The FIR came to be lodged by one Prakash Ade, alleging that on 21.01.2025 the applicant along with his relatives came to the informant's house and abused the informant, tried to damage his motorcycle by stone and wooden stick. Due to which there was scuffle between the applicant and the informant, in which the applicant allegedly assaulted the informant by means of axe due to which he sustained head injury.

4. Learned Counsel for the applicant submits that the applicant as well as the informant have lodged counter FIR against each other on the same day. There

are allegations of assault by means of Axe, however the query report demonstrates that weapon used was cement stone and not the axe. Also the type of weapon was clarified as simple weapon i.e. cement stone and the injuries are simple in nature, therefore, the story narrated by the informant is exaggerated and cannot be believed. On the contrary, the applicant had also lodged the FIR against the informant for the offence punishable under Section 109 of the BNS, as the applicant was also injured in the scuffle and had sustained head and other injuries. Therefore, considering the nature of allegations, material collected and that too there being counter FIR, the applicant deserves to be enlarged on bail.

5. On the other hand learned APP and learned Advocate for the informant have vehemently opposed the application on the ground that the applicant had a grudge against the informant as previously the applicant had filed a complaint against the informant's wife, who happens to be Sarpanch. Initially she was disqualified on the ground that she has encroached upon the land. In appeal before the Additional Commissioner, the informant was successful and since then the applicant had grudge against the informant. It is also submitted that though there was no recovery of Axe however the fact remains that the informant has caused several injuries in the alleged incident. Counter FIR shows presence of the applicant. Also, there are criminal antecedents against the applicant for the offences against body. Hence, the application be rejected.

6. I have considered the rival submission and

perused both the counter FIR as well as the injury certificates. Admittedly, the injury certificate and query report show non-involvement of weapon in the assault like an axe and that the injuries are simple in nature. The allegations appears to be exaggerated. It is also appeared that the applicant as well as the informant both have sustained injuries in the said incident and there was counter FIR. Therefore, submissions of learned Counsel for applicant is required to be accepted as observed in paragraph 4 of this order.

7. Considering all these facts and circumstances, and that the applicant is behind bars since 08.11.2025, I am inclined to enlarge the applicant on bail on certain terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Sunil s/o Narendra Rathod in connection with Crime No.37 of 2025 registered with Karanja Rural Police Station, District Washim 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 enter into the vicinity of village Lohgaon, Tq. Karanja, District Washim.
 - (f) The applicant shall not commit any similar type of offence.
 - (g) The 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.
8. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .
9. All Misc. application(s), pending if any, shall stands disposed of accordingly.

(M.M. NERLIKAR, J.)

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