



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

CRIMINAL APPLICATION [B.A.] NO. 424 OF 2026

Saurabh s/o Prakash Hiwre

-- VERSUS --

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. M.V. Rai, Advocate for the Applicant.

Ms. S.Z. Haider, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 22, 2026.

Heard.

2. The present application is filed seeking regular bail in Crime No.104/2025 for the offences punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Shegaon, District Chandrapur.

3. As per the First Information Report, the informant reported that his cousin, Dnyaneshwar alias Nana Bhaurao Shastrakar, was assaulted on 17/07/2025 at about 8:30 p.m. by the accused Saurabh Prakash Hiwre and Suraj Yashwant Bharde near Ashoka Bar, Gujgav Phata, following a quarrel. It is alleged that the accused threw the victim onto the road and dragged him, causing serious injuries on head and back. The injured was taken home in an

unconscious condition, and thereafter, shifted to the hospital, from where he was referred to Chandrapur due to severity of injuries. Based on this information, F.I.R. came to be registered.

4. The learned counsel for the applicant submits that, the applicant and co-accused are friends, they had consumed liquor and on some account quarrel took place between the victim and the present applicant and another co-accused. He further submits that, the allegations are that the applicant and other co-accused had pushed the victim on cement road and dragged him, accordingly, there were injuries on head and other parts of the body. The learned counsel further submits that, injuries are not serious in nature and the applicant was discharged in one day, and therefore, Section 109 of BNS would not be applicable. He further submits that the applicant has disclosed in his application that there are antecedents against the applicant. One crime is registered under Section 302 and another crime is registered in the year 2024 for the offence punishable under Section 109 of BNS (302 of IPC), in both the crimes he has been released on bail. He further submits that other crimes are under the Bombay Prohibition Act, 1949. Therefore, he submits that, by imposing stringent conditions the applicant be released on bail. He further submits that the other

co-accused, who is having similar role as of the applicant was released on bail by the trial Court, however, only on the ground of antecedents the application of the applicant was rejected.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that the applicant has thrashed the head of the victim on cement road, due to which, serious injuries have been sustained by the victim. She submits that there are injuries on temporal and occipital region of the victim. There were multiple abrasions on the entire body. She further submits that, there was also bleeding through mouth of the victim, and therefore, considering the seriousness of the crime, and further the applicant is not a law abiding citizen which could be gathered from his criminal track record as serious offences under Sections 302 and 109 are registered against the applicant and this is the second offence under Section 109 registered against the applicant, and therefore, she submits that the applicant is a habitual offender, and therefore, he does not deserve bail.

6. I have considered the rival submissions. From the perusal of the record, *prima facie*, it appears that, the applicant and co-accused have thrashed the head of the deceased on cement road, due to which, there was contused abrasion on

temporal region and abrasion on occipital region. There was also bleeding through the mouth. It further appears that, there was swelling on the occipital region as well as there are multiple abrasion and contusion on elbow, hand and other parts. After perusal of the statement of the victim, he has named the present applicant along with co-accused, however, it appears from the record that, the co-accused was released on bail by the trial Court, who is similarly situated with the present applicant. It is not in dispute that the applicant is facing near about 11 crimes, out of which, 8 crimes are in respect of offences registered under the Bombay Prohibition Act. One offence was registered in the year 2022 for the offence punishable under Section 302, wherein the applicant was granted bail. Other crime was registered in the year 2024 for the offence under Section 109 of the BNS. Even in the said offence, the applicant was released on bail, therefore, as the applicant has disclosed all these facts in his application, and the fact that, the co-accused, who is having similar role has been granted bail, and considering the allegations, and the fact that the applicant is behind bars since 18/07/2025, I am inclined to grant bail by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is allowed;

(ii) The applicant/accused (Saurabh s/o Prakash Hiwre) be released on regular bail in connection with Crime No.104/2025 for the offences punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Shegaon, District Chandrapur, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent sureties in the like amount;

(iii) The applicant shall not enter into the village Chargaon, Tahsil Warora, District Chandrapur, till the conclusion of the trial;

(iv) In case, the applicant commits any type of offence in future, the prosecution is at liberty to cancel the bail in this case;

(v) 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;

(vi) 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;

(vii) 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 or even trial Court can *suo moto* take cognizance of this and cancel the bail;

(viii) Pending Misc. Application(s), if any, also stand disposed of.

7. The observations of this Court are *prima facie* in nature. The Trial Court shall not be influenced by the observations of this Court and the observations are restricted to this bail application only.

[M.M. NERLIKAR, J]