



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

CRIMINAL APPLICATION [B.A.] NO. 504 OF 2026

Shriram s/o Laxman @ Godaji Torkad

-- VERSUS --

State of Maharashtra, thr. PSO, PS Darati Tq. Umerkhed Dist. Yavatmal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms. Anjana M. Raut, Advocate for the Applicant.

Ms. T.H. Udeshi, A.P.P. for the Non-applicant/State.

CORAM : M.M. NERLIKAR, J.

DATE : APRIL 23, 2026.

Heard learned counsel for the applicant
and learned APP for the State.

2. The present application is filed seeking regular bail in connection with Crime No.107/2025 for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Darati District Yavatmal.

3. The informant, who is the sister of the deceased, has lodged the present First Information Report alleging that on 13.06.2025 between 1.30 to 2.00 p.m. when she was present at Korta Bus Stop with her husband, applicant came to her and told her that he has assaulted the deceased and she should accompany him. That time, she told him that

as he has assaulted the deceased/her brother, he should take him to the hospital. She further stated that after some time the applicant and his father took the deceased to a Primary Health Centre and took him back to the house. Thereafter when she went to the house, she found that the deceased was sleeping. When she asked deceased about the incident he said that he had dispute about payment of Rs.50/- with accused No.2 during which accused No.3 came and started abusing him. When the deceased asked him why he was abusing, the applicant came and all the three started quarreling with him and started slapping him. The applicant then pulled him to the ground due to which the deceased received injury on the back side of his head. On the basis of these allegations the informant lodged the FIR against the applicant.

4. The learned counsel for the applicant submits that, there was no intention on the part of the applicant to commit murder of the deceased. The deceased and accused persons are friends and on a trifle ground of Rs.50/- the quarrel took place between them. The allegation against the applicant is that he pulled the deceased and thrashed his head on cement road and therefore, the deceased died. She further submits that from the entire episode Section 103 of the BNS would not be attracted.

Initially a quarrel took place and in a heat of anger, the applicant thrashed the head of the deceased on cement road. She further submits that initially applicant and other co-accused took the deceased to his house and informed the sister of the deceased and it was informed that the applicant has beaten the deceased. Accordingly, informant stated that as they have beaten him they should take the deceased to the hospital and accordingly, all the accused persons took the deceased to the Primary Health Centre. After treatment again the applicant took the deceased to his house. When the informant visited deceased and asked about the reason for fight he informed her that applicant has thrashed the head of the deceased on cement road. Therefore, learned counsel for the applicant submits that there was no intention on the part of the applicant to kill the deceased and Section 103 of the BNS would not be attracted.

5. On the other hand, the learned A.P.P. vehemently opposes the application and submits that though the other accused persons have been released on bail, however, the applicant has played an important role. She submits that it is the applicant who has thrashed the head of the deceased on cement road and therefore, it cannot be said that applicant was not having intention to kill the deceased. She further submits that there is other

material which discloses that the applicant has thrashed the head of the deceased on cement road which resulted into his death. She submits that there is no merit in the application and same deserves to be rejected.

6. I have considered the rival submissions. Admittedly, sister of the deceased is the informant who has narrated in detail the entire story. From the perusal of the entire charge-sheet *prima-facie* it appears that the applicant and other co-accused were standing on the road at that time there was quarrel on the ground of payment of Rs.50/-. In the heat of anger applicant has thrashed the head of deceased on the cement road. Under such circumstances it is very difficult to attribute the intention to the applicant. It further appears that applicant is in jail since 14.06.2024 and now investigation is over and charge-sheet is filed. It is further to be noted that other co-accused persons including applicant took the deceased to the hospital. This by itself shows *prima-facie* that there was no intention to commit murder of the deceased.

7. In view of the above, I am inclined to grant bail to the applicant by imposing stringent conditions. Hence, the following order:-

ORDER

(i) The Criminal Application is allowed;

(ii) The applicant/accused (Shriram s/o Laxman @ Godaji Torkad) be released on regular bail connection with Crime No.107/2025 for the offences punishable under Sections 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered with Police Station Darati District Yavatmal, on his furnishing a P.R. bond of Rs.50,000/- (Fifty Thousand Rupees) with two solvent 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 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;

(vi) 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]

MANISHA