

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

CRIMINAL APPLICATION (BA) NO. 545/2026
(Parmeshwar S/o Kisan Chavhan 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. A. M. Jaltare, Advocate for applicant.
Mr. A. R. Chutke, APP for non-applicant/State.

CORAM: M. M. NERLIKAR, J.

DATED : 05/05/2026.

Heard.

2. By this application, the applicant is seeking bail in connection with Crime No. 245/2025 registered by Police Station Sonala, Dist. Buldhana for the offences punishable under Sections 118(2), 189(1), 189(2), 189(4), 191(2), 191(3), 190, 115(2), 351(2), 351(3), 352, 109 of the Bharatiya Nyaya Sanhita ("BNS") read with Section 135 of the Maharashtra Police Act.

3. The brief facts of the prosecution story are that the informant alleged that on 01/10/2025 while he was sitting in front of his house with Devanand Shinde, at that time the present applicant came and abused him. On hearing the quarrel Sagar Solanke came at the spot and tried to pacify the situation. At that time, the applicant went to his

house and brought spade and assaulted Sagar Solanke. Thereafter, relative of the applicant and other persons also came to the spot and assaulted the informant and Sagar. On this basis, the present first information report was registered.

4. The learned counsel appearing for the applicant submits that out of trifle issue of children at the house of informant, this incident has occurred. He submits that there was free fight between both the groups. Even the group of the applicant has sustained serious injuries especially the applicant has sustained stitches over scalp on frontal and left part of scalp. He submits that so far as the present first information report is concerned, it was registered by Naval Narayan Solanke. The role attributed to the applicant is that he has inflicted blow with the help of fiber rod of spade which caused fracture to the scalp of nephew Sagar. There was no intention on the part of the applicant to cause death, therefore Section 118 of the BNS would not be attracted. He further submits that in the spur of moment, the incident took place, wherein both parties sustained injuries. The applicant is in jail since 10/10/2025 and now the charge sheet is filed after

completing the investigation. No purpose would be served by keeping the applicant behind bars and therefore, the applicant be released on bail.

5. On the other hand, the learned APP submits that Sagar Solanki who is the injured has sustained a fracture injury to his scalp and the role of assault is attributed to the applicant. Therefore he submits that considering the seriousness of the crime, the applicant does not deserve to be granted bail.

6. I have considered the rival submissions. It is not in dispute that the incident has occurred on 01/10/2025 at about 11:30 p.m. The present applicant has assaulted Sagar Solanki with the help of fiber rod which is attached to spade. It further appears that Sagar sustained fracture injury to on scalp. However, it is to be noted that the counter FIR was also registered by Devanand Chavhan who is the real brother of the applicant. It appears from the record that even the applicant has sustained serious injuries on frontal and left parietal part of the scalp. Under such circumstances, considering the nature of allegations and fact that the quarrel took place on a trivial issue of

children playing and the applicant is in jail since 10/10/2025 and now the investigation is complete and charge sheet is filed, I am inclined to grant bail, hence the following order:-

ORDER

- (i) Criminal application is allowed and disposed of.
- (ii) The applicant/accused Parmeshwar S/o Kisan Chavhan, be released on bail in connection with Crime No. 245/2025 registered by Police Station. Sonala, Dist. Buldhana for the offences punishable under Sections 118(2), 189(1), 189(2), 189(4), 191(2), 191(3), 190, 115(2), 351(2), 351(3), 352, 109 of the Bharatiya Nyaya Sanhita ("BNS") read with Section 135 of the Maharashtra Police 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 shall not enter into the vicinity of village Sonala, Tal. Sangrampur, Dist. Buldhana.

(vi) 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 observations 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.)

Gohane