



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

CRIMINAL APPLICATION [ABA] NO. 90 OF 2026

AKASH S/o SHALIKRAM SIRSATH

VERSUS

STATE OF MAH., THRU. P.S.O., HUDKESHWAR, NAGPUR.

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Mr. S. U. Dable, Advocate for the applicant.
Mrs. M. R. Kavimandan, A. P. P. for the State.

CORAM : M. W. CHANDWANI, J.
DATE : MARCH 09, 2026.

1. The applicant is apprehending arrest in connection with Crime No. 654/2024 registered with Police Station, Hudkeshwar, Nagpur for the offences punishable under Sections 118(1), 109, 103 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. Heard the learned counsel appearing on behalf of the applicant and the learned A.P.P. appearing on behalf of the State. Perused the case diary.
3. It appears from the case diary that on 10.09.2024, at about 8.30 am, two unknown persons came to the house of deceased Vijay and took him with them in an auto rikshaw, where one other person was sitting. Thereafter, at about 11.30 am the wife of the deceased saw an auto rikshaw passing through her house. The deceased was seen sitting in the auto rikshaw in unconscious condition along with co-accused Sonu and one other person. Thereafter, the deceased was admitted

to the hospital by an auto rikshaw driver who informed that the deceased was found lying behind Borkar Hospital in an injured condition and therefore, he got deceased Vijay admitted in the hospital. The wife of the deceased identified one person named Sonu Shahu. The brother of the deceased lodged a report against Sonu Shahu and other unknown persons alleging that three persons took the deceased from his house, assaulted him and abandoned him in an injured condition.

4. Initially, the FIR was registered against co-accused Sonu Shahu and other unknown persons for the offence punishable under Section 118(1), 3 (5) of the BNS, 2023. Thereafter, the deceased succumbed to the injuries during treatment and therefore, the offences under Sections 109 and 103 were added.

5. During investigation, it was revealed that main accused Sonu runs a pan shop where theft was committed. It was revealed that the deceased had committed theft in the pan shop of Sonu Shahu. Therefore, Sonu along with other co-accused, took the deceased to a pan shop where the applicant and other co-accused were present. They assaulted the deceased by means of fist and kick blows. Main accused Sonu assaulted the deceased by means of a stick on his head due to which, the deceased fell unconscious. Thereafter, the accused persons abandoned the deceased near Borkar Hospital and fled away.

6. It is contended by the learned counsel for the applicant that the applicant has not played any role in the

alleged crime. According to him, the witness who has stated in his statement about assault by the present applicant, has changed his version. In the statement recorded under Section 183 of the BNS, 2023 before the learned Judicial Magistrate, First Class, he did not name the applicant as one of the assailants. Therefore, according to the learned counsel, there is no involvement of the present applicant and he is entitled for grant of extraordinary relief of anticipatory bail.

7. Perusal of the case diary reveals that there is one eye-witness to the incident who saw the applicant assaulting the deceased.

8. No doubt, the statement of the witness recorded by the learned Magistrate did not mention the name of the present applicant, however the said statement can be used during trial for contradicting the witness. At present, the statement of the said witness which was recorded first in point of time mentions the name of the present applicant. It appears that after a gap of 90 days of the assault, the statement of the witness was recorded before the Magistrate. The applicant can use the statement during the course of trial. The investigation with regard to the present applicant is yet to be conducted. There are specific allegations of assault by the present applicant as a result of which, the deceased died. The offence of murder is serious in nature.

9. Considering the nature of allegations, the material available against the present applicant and the

punishment prescribed for the offences, no case is made out for grant of extraordinary relief of anticipatory bail in favour of the applicant.

10. Accordingly, the Criminal Application is rejected.

(M.W.Chandwani, J.)

Diwale