



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

CRIMINAL APPLICATION [ABA] NO.94 OF 2026

[Vinod Laxman Nandurkar and one .vs. The 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. Anil S. Mardikar, Senior Advocate assisted by Mr. R.A. Mardikar, Advocate for Applicants.
Mr. N.R. Rode, APP for the Respondent.
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CORAM : RAJNISH R. VYAS, J.

DATE : APRIL 23, 2026.

1. Apprehending arrest, the original accused nos.1 and 2 have approached this court. The First Information Report No.26/2026, dated 15.1.2026 came to be registered with Police Station, Chandrapur, District-Chandrapur for the commission of offences punishable under Section 118(1), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The informant of crime is one Kiran Bandopanth Chimdelwar, who has alleged in the first information report that his brother by name Dinesh was residing adjacent to his house. The applicants claimed that they are the owner of the house. There is road situated in front of the house of the informant and on that ground i.e. right to way, on several occasions, quarrel had taken place between the informant and the applicants.

3. Coming with a specific case, it was alleged in the first information report that on 14.1.2026 at about 8.45 pm, when informant along with son named Amar were present in the house, at that time, one of the applicants named Vinod came near the house of the informant and questioned the son of informant

as to why has kept the clothes on the water tap. Thereafter, abuses were hurled. When the son of informant asked the applicant Vinod not to use abusive language, at that time, son of accused Vinod, whose name was not known to the informant, came from the house and both of them assaulted son of informant by means of fist and blows. It was alleged that applicant Vinod had assaulted the son of informant by means of wooden bat on his hand and leg. fingers of hand. It is this narration of the incident which triggered the lodgement of the First Information Report.

4. The learned Senior Counsel for the applicants has argued that the applicant Vinod has also lodged the first information report against the son of the informant on the same day, in the same Police Station, on the basis of which the First Information Report No.25/2026, dated 15.1.2026 came to be registered with Police Station, Chandrapur, District-Chandrapur for commission of offences punishable under Section 118(1), 296 and 351(2) of the Bharatiya Nyaya Sanhita, 2023.

5. In the First Information Report No.25/26, it was alleged in the FIR that on the same reason mentioned in First Information Report No.26/2026, the quarrel took place and the accused therein by name Amar had brought a stone used to mesh the food and tried to assault one of the applicants.

6. The learned Senior Counsel has argued that if the allegations made in the FIR are taken into consideration, it would reveal that it was a dispute between two neighbours and the assault was not pre-meditated. He submitted that the applicant had no criminal antecedents and they have already joined the investigation in compliance with the order passed by this court on 6.2.2026.

7. Per contra, the learned APP has contended that both the applicants were aggressor and due to assault made by them, the grievous injury is sustained by injured Amar, more particularly displaced fracture of ulna of left forearm. He thus submitted that the version in the FIR is duly corroborated by way of medical evidence.

8. With the assistance of the respective counsels, I have gone through the record of the case. The applicants and the informant were the neighbours and there are counter complaints lodged by both of them. Prima facie, the issue which will have to be looked into is, whether offence under Section 118(2) of Bharatiya Nyaya Sanhita, 2023 can be said to be made out when the weapon used is a wooden bat. Section 118 speaks about the grievous hurt by means of any instrument for shooting, stabbing or cutting or any instrument which is used as a weapon of offence which is likely to cause death.

9. The learned APP fairly submits that the weapon of offence is already seized from the spot of incident which is reflected in the spot panchanama.

10. Prima facie, the record shows that there is every possibility that the offences registered/added may get diluted either during the course of investigation or the trial. Suffice it to say that considering the genesis of offence, fact that applicants had cooperated with the investigating agency and as no criminal antecedents, I am inclined to pass the following order :

ORDER

(i) In the event of arrest in connection with Crime No.26/2026 registered with Police Station Chandrapur City, District-Chandrapur for the commission of offences punishable

under Section 118(1), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the applicants namely, (1) Vinod Laxman Nandurkar and (2) Kalpak Vinod Nandurkar be released on bail on furnishing a P.R. Bond of Rs.25,000/- (Rupees- Twenty Five Thousand only) each with one solvent surety in the like amount.

(ii) The applicants shall attend the concerned Police Station as and when required by the Investigating Officer.

(iii) The applicants shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses directly or indirectly.

(iv) The applicants shall not leave India without prior permission of this court.

(v) Application stands disposed of.

(RAJNISH R. VYAS, J.)