

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

CRIMINAL APPLICATION (ABA) NO. 180 OF 2026

(Pramod s/o Kashinath Halmare Vs. State, thr PSO, PS Tumsar, Dist. Bhandara)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Sanket Joshi, Adv h/f Mr. H.S. Chitaley, Advocate for applicant.
Ms. D.V. Sapkal, APP for non-applicant /State.

CORAM : RAJNISH R. VYAS, J.

DATE : 15.04.2026

Heard.

2. Apprehending arrest, the applicant is before this Court for anticipatory bail in connection with Crime No. 36/2026, dated 30.1.2026, registered at Police Station Tumsar, Dist Bhandara, for offences punishable under Sections 109, 326(f), 296, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The learned counsel for the applicant contended that there is a delay in lodging the FIR, as the incident had taken place on 24.1.2026 whereas the FIR has been lodged on 30.1.2026. He further contended that on perusal of page 35, more particularly, the certificate issued by the private hospital it would reveal that the present applicant has also sustained 31% accidental homicidal burn. He thus, contended that prima facie, the case of counterblast, as his

Belkhede, PS

mother has also lodged the FIR No. 35/2026, on 30.1.2026 with the same police station against one Rajendra Patle, for offences punishable under Sections 189(2), 296, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

4. Per contra, the learned App contended that the role assigned to the present applicant is specific and is supported by the statements of witnesses recorded during the course of investigation. She further submitted that if medical report is perused, it will reveal that the applicant has caused burn injuries to the complainant, therefore, she prayed for dismissal of the application.

5. With the assistance of the learned counsel for respective parties, I have gone through the record. It is the case of the prosecution that the FIR dated 30.1.2026 is registered at the instance of one Rajendra Patle, on the basis of which accused were implicated in the FIR No. 36/2026. It was alleged by one Rajendra Patle in the FIR that on 24.1.2026, when work of removal of encroachment was going on with the help of JCB machine which was driven by one Vikas Kawle, at that time, the present applicant /accused No. 2 poured petrol on the JCB machine and on the person of driver Vikas Kawle and set the machine on fire. It was further alleged that the drive Vikas has sustained burn injuries on his back as well as hands.

The Case diary shows that the independent witnesses have stated that the present applicant went inside Annapurna Dhaba, brought one plastic can filled with petrol and poured it on the JCB as well as the driver. The statement of driver/injured Vikas is also recorded who has stated that the applicant had poured petrol on the JCB and on his person and ignited fire due to which he has sustained injuries. The version in the FIR is supported by the statement of witnesses, so also, the injury certificate. The injuries shows that the applicant has sustained burn injuries on his back, left leg and forearm. The medical examination was done on 25.1.2026 whereas incident had taken place on 24.1.2026.

6. The contention of the learned counsel for the applicant that there is a delay in lodging FIR, suffice it to say that it would not go to the root of the matter as it cannot be ignored that the injured had sustained burn injuries. Just because there is a delay in lodging the FIR same would not prima facie negate the case of the prosecution. The second contention of the learned counsel that there is a counterblast, as on the same day, the mother of the present applicant had also lodged the report, for which it can be said that, in the said FIR, the injured by name Vikas was not named as an accused. Even otherwise, it would be a matter of trial and the defence of the present

applicant. Since prima facie, a case is made out by the I am not inclined to entertain the application. Accordingly, application is rejected.

(RAJNISH R. VYAS, J.)