



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

CRIMINAL APPLICATION (ABA) NO. 351 OF 2026

Abhay Shyam Kale Vs State of Maharashtra

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. V.R.Thote, counsel for applicant.
Mr. S.B. Bissa, APP for non-applicant/State.

CORAM: RAJNISH R. VYAS, J.

DATED : 06/05/2026

1. Heard the respective counsels.
2. Apprehending arrest in connection with Crime No. 04 of 2026 dated 15/01/2026 registered with Police Station Pusad City, Taluka Pusad, District Yavatmal, for the offence punishable under Sections 109(1), 115(2), 3(5), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, the applicant has approached this Court.
3. The informant of the crime is one Pramod Sitaram Warhade, who has set a criminal law in motion by lodging the FIR.
4. In short, it is the case of the informant that he was drinking liquor in Rashmi Wine Bar, at which time the accused named in the FIR came, and one of them, Akshay Jaiswal, also asked the informant to offer him liquor. On that count, a quarrel took place and, ultimately, the accused named in the FIR assaulted the informant by

means of fist and blows. One Dinesh Alone, a friend of informant, interfered and the informant was rescued. This incident was not narrated by the informant to the police station.

5. On 14/01/2026, at about 8.30 to 09.00 O'clock, the informant had stopped near Shardha General Store to answer nature's call. At about 9.15 to 9.30 p.m., the accused persons named in the FIR assaulted informant by means of a knife on his chest and back, on the ground that earlier he had not offered the liquor to the accused named in the FIR. It is this incident which is the subject matter of the FIR. The learned counsel for the applicant has submitted that the applicant is a student having no criminal antecedents and his name was not mentioned in the FIR.

6. Per contra, the learned APP has argued that during the course of investigation, the offence of unlawful assembly is also added and therefore, each and every member of the unlawful assembly is equally responsible for the act committed by others.

7. He further submitted that the statement of one of the witnesses, which was recorded on 17/01/2026 would reveal that applicant had also assaulted the informant by means of fist and blow. He, thus, prayed for rejection of the application.

8. With the assistance of the respective counsels, I

have gone through the record of the case. The FIR report is very specific that on two occasions the informant was assaulted by the accused persons named in the FIR. In the first incident, the informant was assaulted by means of fists and blows, and in the second incident, which occurred on 14/01/2026 at about 9.15 to 9.30 p.m., the accused named in the FIR caused injury to the informant on his chest and back by means of a knife. The informant was then admitted to the hospital by his brother. It is, thus, clear that no role was assigned to the applicant in the FIR. The name of the applicant has surfaced when on 17/01/2026, the statement of one of the witnesses was recorded who stated that the applicant had assaulted the informant by means of fist and blows. Considering the aforesaid facts and the age of the applicant, who is just 19 years old having no criminal antecedents, I am inclined to pass the following order.

ORDER

- a] The criminal application is **allowed**.
- b] In the event of arrest, in connection with Crime No. 04 of 2026 dated 15/01/2026 registered with Police Station Pusad City, Taluka Pusad, District Yavatmal for the offence punishable under Sections 109(1), 115(2), 3(5), 351(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, the applicant – ***Abhay Shyam Kale*** be released on bail on furnishing a P.R. Bond of Rs. 25,000/-

(Twenty Five Thousand only) with one solvent surety in the like amount.

- c] The applicant shall attend the concerned Police Station on 11th to 12th May 2026, between 12.00 p.m. to 03.00 p.m, and thereafter as and when called.
- d] The applicant shall cooperate with the investigating agency and shall not tamper with the prosecution evidence or influence the witnesses.
- e] The applicant shall not leave India without previous permission of the Court.

(RAJNISH R. VYAS, J.)