

S.T. No.198/2026.

State of Maharashtra

.Vs.

Khileshwar and others.

Applicant :- Khileshwar @ Chintu Rameshwar Bisen

Aged about 19 Years, Occ-Private,

R/o.Plot No.35, Bhandara Road, Near Shiv

Temple, Shyam Nagar, Pardi, Nagpur.

ORDER BELOW EXH.48

(Passed on 07.08.2026)

1] By the present application, accused no.1 Khileshwar @ Chintu Rameshwar Bisen is seeking releasing him on regular bail by invoking provision of section 483 of Bhartiya Nagarik Suraksha Sanhita.

2] Perused application and say of learned APP overleaf as well as Say below Exh.49 of the Pardi Police Station who has opposed the application also perused the charge-sheet.

3] Heard learned advocate Shri.Amol Hunge for the applicant, learned APP Smt.A.M.Nair for the State.

4] The learned counsel for applicant/accused no.1 has reiterated the contents of his bail application and additionally submitted that the perusal of charge-sheet reveals that, as per informant accused Anas gave knife blow to deceased Noor Nawaz and the same proved fatal for the death of Noor Nawaz, however, the role attributed to the present applicant /accused no.1 is altogether different.

5] It was further argued that only two witnesses are material to the prosecution viz. Harshal Ramteke (informant) and Shoeb Ansari. However, the perusal of statement of Shoeb Ansari is at variance with version of informant Harshal Ramteke. The learned counsel further argued that as per version of witness Shoeb Ansari, he has stated that while Anas was assaulting Noor Nawaz, four people were trying to rescue Noor Nawaz, it was argued that amongst those four people, it was the present applicant who was just trying to rescue deceased therefore, if the statement of Shoeb Ansari is taken at face value, then it cannot be said that the present applicant was involved in either assaulting or abetting co-accused Anas.

6] It was also argued that the other co-accused namely Pratik @ Aditya Raju Karandekar and Pravin M Pande are already granted regular bail by Hon'ble Bombay High Court, Nagpur Bench and the copy of those of bail orders are annexed with pursis below Exh-51 and accordingly, it was prayed that on the ground of parity, the present applicant may kindly be enlarged on regular bail.

7] Per contra the learned APP has vehemently opposed the present bail application and reiterated the contents of Say/reply given by the P.S.O Pardi Police station and has additionally submitted that, the role of present applicant/accused no.1 is demonstrated in the FIR as well as statement of witnesses. It was argued that, in the FIR as well as the statement of informant Harshal Ramteke, the specific overt act is attributed to the present applicant who has been instrumental in calling all the accused at the spot of incident, making mobile call with informant and exhorting other co-accused in assaulting both informant as well as deceased Noor Nawaz.

8] It was further argued that the present applicant is identified by the witnesses in the test identification parade. Additionally, the CDR and SDR in the charge-sheet establishes the fact of making mobile call multiple times by the present applicant/accused to informant prior to time of incident.

9] It was further argued that the version of informant in the FIR, as well as his statement is ratified in the post mortem report therefore, when there are supporting pieces of material in the form of PM report, CDR details, which are consistent with the version of informant in the FIR and in his statement recorded during investigation, the same hold significance, therefore, in view of the specific overt act attributed to the present applicant, he cannot claim parity to other released co-accused against whom allegations were altogether different and accordingly, prayed for rejection of bail application.

10] I have ruminated over the submissions advanced by both the sides, also gone through charge-sheet including Say of Pardi Police Station along with say of learned APP overleaf the bail application.

11] After perusal of the charge-sheet, it reveals that as per the prosecution case informant Harshal Ramteke is studying in third year of B.Tech, deceased Noor Nawaz Hussain was studying in final year of B.Tech at Anjuman College of Engineering, Nagpur. Informant Harshal and Noor Nawaz are friends since childhood.

12] On 31.10.2025 at around 9.45 a.m., deceased Noor Nawaz and informant Harshal Ramteke met near Dr. Babasaheb Ambedkar Square, had a chat and thereafter, they visited Sakkardara to drink soda. In the meanwhile, informant's friend accused Khileshwar Bisen/applicant

had called him on mobile 11 times. Therefore, informant Harshal Ramteke made a mobile call to accused No.1 Khileshwar. However, said accused Khileshwar on mobile abused him, Noor Nawaz tried to intervene on mobile call, but applicant Khileshwar abused Noor Nawaz as well.

13] As per prosecution case, thereafter, at the calling of present applicant, informant and deceased Noor Nawaz went to H.B. Town Square, in front of Takdeer Ice Cream Shop at 7.30 p.m. They were waiting for Khileshwar Bisen to arrive. Accused Khileshwar came there with accused Annu @ Anas Ahmad, Pratik @ Aditya Rajendra Karendekar and juvenile in conflict with law. Khileshwar and his friends started abusing and assaulting deceased Noor Nawaz and informant. Accused Annu also slapped informant and Noor Nawaz. Thereafter, accused Khileshwar Bisen (applicant) exhorted and instigated other co-accused not to allow Noor Nawaz to leave. On instigation and exhortation by applicant Khileshwar Bisen, accused Annu took out knife and stabbed in the stomach of Noor Nawaz causing fatal injury leading to the death of Noor Nawaz. Accordingly, the offence was registered at the instance of Harshal Sanjay Ramteke, wherein all the accused were arrested and are behind the bar, except a juvenile in conflict with law.

14] The perusal of report as well as statements of Harshal Ramteke reveals following overt act to the present applicant/accused No.1 Khileshwar.

a] It is the present applicant Khileshwar who abused informant and Noor Nawaz from his mobile number 8421194439 on the day of incident i.e. on 31.10.2025.

b] It is the present applicant who called informant Harshal and deceased Noor Nawaz to come at H.B.Town Pardi, Nagpur.

c] When informant and deceased Noor Nawaz reached there, it

is the present applicant who came along with co-accused Anas, Pratik @ Aditya Karandekar, accused Pravin Pande and accused Kaushik Tembhurne on two wheeler wherein one of the co-accused was having knife with him.

d] It is the present applicant who initiated the quarrel.

e] At the exhortation and instigation of the present applicant Khileshwar by uttering the words, “ साले ये नुर नवाज हुसेन को जिंदा छोडना नाही, इसका तो विकेट ही डालना है ”. On this exhortation by the present applicant , co-accused Anas @ Annu took out knife and inflicted multiple knife blows upon the abdomen of deceased Noor Nawaz which proved fatal for the death of deceased Noor Nawaz.

15] In view of the above statement which is substantiated by the post mortem report, more pertinently the Col. No.17, therein the version of informant duly find support with the P.M report as well as the SDR and CDR of the mobile. In view of the above, it is apparent that the present applicant is the prime accused who initiated the dispute, called informant and deceased Noor Nawaz at the place of incident, brought above accused along with weapons, started abusing and assaulting informant and deceased Noor Nawaz, so also instigated and exhorted co-accused Anas to kill Noor Nawaz. In view of the above, it cannot be said that the present applicant Khileshwar Bisen was trying to rescue deceased Noor Nawaz.

16] So far as the contentions raised by the learned counsel of accused no.1 that another witness Shoeb Ansari has stated that four people were trying to rescue, does not specify the name of present applicant. Additionally, when the version of informant who is the eye witness of the case as well as author of the oral report is consistent with the P.M report as well as CDR details. Therefore, mere slight variations in the statement of other witness Shoeb Ansari cannot be taken out of context by making mountain of a mole. In view of the above, certainly, the

role of the present applicant is quite different from other co-accused. Hence, the rules of parity cannot be applied to the present applicant.

17] In view of above observations, looking to the nature of allegations as well as seriousness of offence which entails punishment from life imprisonment upto to death penalty. This court is not inclined to grant regular bail to present applicant/accused Khileshwar Bisen. Hence, I proceed to pass the following order.

ORDER

Application (Exh.48) is rejected.

Nagpur.
Date: 07.08.2026.

Sd/-
(Mohtesim Badar)
Additional Sessions Judge-16, Nagpur.