



In The Court of Additional Sessions Judge-6, Nagpur.

Presided over by
Shri. M. S. Ganorkar.

Sessions Case No.484 of 2024.

CNR No: MHNG010104732024.

Crime No.241 of 2024, P. S. Parseoni.

State of Maharashtra.
(Through P.S. Parseoni)
...Vs...
Jageshwar and Ors.

Applicant - Mangesh Pilaji Shivankar.

Order below Exh.86

(Date: 6th April 2026)

1. This is an application for issuance of directions as applicant/accused be released on bail, U/Section 483 of the Bhartiya Nagarik Suraksha Sanhita. Applicant/accused booked in Crime No.241 of 2024, for the offences punishable U/Sections 302, 201 r/w 34 of the Indian Penal Code and Section 4/25 Arms Act.
2. Perused the application along with documents annexed here with and say/report of Investigating Officer/APP. Heard both the sides at length.
3. In the light of this facts emerged, submissions by the parties and material on the record, the following points arise for determination before this Court. The said points and the findings thereon which follow the reasons as:

Point For Determination.

Sr. No.	Point	Finding
1.	Whether the applicant/accused made out the case as to issuance of direction as to be released on bail, in the given set of facts?	...No.
2.	What order?	...Application Rejected as per final order.

REASONS***As to the point no.1:***

4. It is submitted that the applicant is permanent resident of address given. He is falsely implicated in this case. He came to be arrested on 29/06/2024 since then he is in custody. It is alleged that on 25/06/2024 at 7.30 pm to 26/06/2024 at 8.00 am the incident of murder of deceased on Nitin Khushal Thakare took place at Bhakari Shiva and Gondegaon Road, Dhaba. It is contended that daughter in law of the applicant was pregnant and deceased took her to the Hospital at Nagpur and admitted on 25/06/2024. At around 12.00 noon, the wife of the deceased called the informant and asked to her daughter and her mother to bring at Hospital. As such he took them proceeded from Hospital by that time Nitin came there and they went along with Nitin and he returned back. Deceased Nitin left Hospital at around 2.35 pm and left his daughter at place of his sister Vinita at around 4.30 and then again left Hospital. In the evening the informant called his brother in law of the deceased who told that he left Kamptee at around 7.30 but on that day he did not turn up. At the time incident the deceased came to the Dhaba/Hotel of applicant and was asking for liquor. On this ground the verbal quarrel between them took place. The accused Mangesh Shivankar had assaulted the

deceased by means of stick on his head. The accused Jageshwar had assaulted the deceased by means of Iron knife. The accused person had taken away the deceased on a motor cycle and took him to Bakhari Canal and again assaulted the deceased by means of knife causing his death. Therefore, the informant lodged report at Parseoni police station.

5. The applicant submitted that he is not a previous convict and has not been involved in any case of this nature except the present case. If released on bail, he is ready to abide by any condition. Hence, prayed that application be allowed.
6. The Investigating officer filed say submitted that the offence is serious. There are many criminal antecedents pending against him. The applicant is committed the offence of murder of deceased. During investigation and from CDR it appears that the accused had quarrel on account of liquor at Dhaba. Both the accused No.1 and applicant and on the basis of memorandum of statement made by them the alleged weapon was seized and it was revealed that accused No.1 and 2 had assaulted deceased by means of knife and Bamboo stick on his head and then both took him for vehicle and left at the place. The motive or reason for his death is quarrel. The deceased allegedly told that he refused liquor then would face dire consequences as earlier he had set on fire his Dhaba. If the applicant is released on bail he may repeat such offence in future and he may tamper the evidence and witnesses. Hence, prayed for grant of rejection of the application.
7. Learned Counsel for the applicant submitted that the applicant is falsely implicated in this crime. The investigation is completed and charge-sheet is filed. Earlier application of the applicant is rejected by

this Court on 02/12/2024. Accused No.1 and 3 have already been released on bail by this Court, therefore, on the ground of parity the present applicant is entitled for bail. If the applicant released on bail, he is ready to co-operate the investigation and he is only earning member in his family. Hence, prayed for grant of bail.

8. Learned APP opposed the application and submitted that the offence is serious. The applicant accused committed murder. The allegations against the applicant on record revealed the material as against the accused is not at par and therefore, principle of parity is not applicable. If released on bail, he may commit similar offence, therefore, the application deserves to be rejected.
9. I perused charge-sheet and say of the Investigating officer it shows that applicant accused committed the murder of deceased Nitin Khushal Thakare. The allegations as inferred from the FIR that complaint lodged by Khushal Namdeorao Thakre, father of the deceased Nitin on 26/06/2024. His daughter in law was pregnant and hence, deceased took her at Hospital at Nagpur and admitted on 25/06/2024. At around 12.00 noon hours wife of deceased called the informant and asked to bring her daughter and her mother at Hospital. As such he took them proceeded from Hospital by that time Nitin came there and they went along with Nitin and he returned back. Deceased Nitin left Hospital at around 2.35 pm and left his daughter at place of his sister Vinita at around 4.30 and then again left Hospital on the pretext that he was going to his in laws' house at Kamptee, but thereafter he did not turn up. In the evening the informant called his brother in law of the deceased who told that he left Kamptee at around 7.30, but on that day he did not turn up. On 26th in the morning at about 8.30 am he had been told by one Naresh

Dhone, that his son Nitin lying with serious injury on his neck and his vehicle bearing No. MH-49-A-7571. He immediately went to spot where police and other people were already present and found Nitin was dead. Hence, he lodged complaint accordingly. As from the record as earlier observed it is submitted that deceased asked for liquor and the applicant accused No.1 had denied him. However, the deceased told him that he had earlier set on fire his Dhaba and will also repeat the same. However, from record photographs and P. M. report itself show that it was cold blooded murder as it is not case of the assault by means of any stick or fist blow, but weapon like knife and wooden stick used to assault on head of the deceased. In this backdrop it is not just and proper at this stage to draw the inference that it is case of culpable homicidal not amounting to murder. Since, the legal principle that for grant of the offence punishable with death or life for imprisonment then prima facie case has to be seen on the basis of material on record without evaluating evidence. Earlier in this crime the applicant accused Jageshwar was granted bail on the ground that the wife of accused is suffering from Chest pain with Ischemic Heart Disease with Anemia and for the purpose of further treatment of his wife it was necessary the applicant Jageshwar with her. Thereafter, his accident took place and then he surrender before the Court and sent to jail. The accused Jageshwar submitted that he is suffering from physical and mental ailments. Therefore, report from Jail was called. It appears that the Doctor had given advise him to test of Cerebral Spinal Fluid and Jail authority is giving treatment him in Medial College, Nagpur. The medical report it shows that accused is recently detected systemic hypertension with vertigo (peripheral) with congenital mystgmus. CT-Head-Communicated minimally displaced fractures of both walls of frontal sinus, bilateral

maxillary sinus and poster lateral wall of left maxillary sinus. On this ground bail granted the accused Jageshwar, but the same criteria cannot apply to the present applicant and the ground of parity is not applicable to the present applicant. In such circumstances considering the facts and circumstance in my view the applicant is not entitled for bail. So I proceed to pass following order.

ORDER

1. Application (Exh.86) is hereby rejected.

Dictated and pronounced in open Court.

Date : 6th April 2026.

(Manish S. Ganorkar)
Additional Session Judge-6, Nagpur.