

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

CRIMINAL APPLICATION NO.336 OF 2026

Kisana s/o Sudamji Shirsat

..vs..

State of Maharashtra and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Ragini K. Swami, Advocate for the applicant.
Ms P.C. Bawankule, APP for the State.
Ms S.P. Hinge, Advocate for non-applicant no.2 (appointed).

CORAM: M.M. NERLIKAR, J.

DATE : 15.04.2026.

Heard.

2. By way of this application the applicant is seeking bail in connection with Crime No.431 of 2025 registered with the Barshitakali Police Station, Akola for the offence punishable under Sections 74, 189(2), 191(2), 191(3), 190, 118(2), 333, 75(1)(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 8 and 10 of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

3. The FIR came to be lodged by the informant alleging that he received a phone call from his sister Rupali who informed him that the accused persons touched her and her 10 year old daughter inappropriately. On this count, Rupali's husband opposed the accused persons after which they left the house. After some time, the accused persons returned to the house and abused them and assaulted Rupali and her husband with iron pipe. On receipt of this information, informant along with his uncle Pravin Wakode proceeded towards

the village Yevata, at that time, on the way, the accused persons assaulted them with the help of iron pipe, sickle, knife, etc., and therefore, the report.

4. Learned Counsel for the applicant submits the allegations against the applicant is that he assaulted Pravin who is the uncle of the informant, with the help of sickle on the right hand. As there was some dispute between both the family members, the incident occurred. The applicant's party had also lodged the FIR against the informant and his family members. Learned Counsel for the applicant submits that the applicant also received serious and grievous injuries in the said incident. As limited role is attributed to the present applicant, he may be enlarged on bail.

5. Per contra, learned APP appearing for the State and learned appointed Counsel for non-applicant no.2 vehemently opposed the application on the ground that initially the son of the applicant namely Chetan and his two cousin brothers went to the house of the informant's sister on 19.10.2025 and outraged the modesty of the mother (sister of the informant) and her daughter aged about 10 years. Further when the informant and his family members were going to village Yevata at that time on the way, the applicant along with his son namely Chetan and Ravi assaulted them with the help of sickle, in which the applicant has actively participated and inflicted blow with the help of sickle on the hand of Pravin. Therefore, considering the FIR, statement of Pravin and injury caused to Pravin, he may not be enlarged on bail.

6. I have considered the rival submissions and perused the record. It appears that in the alleged incident of outraging modesty, there was no participation of the applicant and on the same day, in the second incident, the present applicant and his two sons have assaulted the informant and his family members. It is specifically stated that at that time the applicant was having sickle in his hand whereas one of the brother of Chetan was having knife. The son of applicant Chetan has inflicted blow on the left hand of the informant with the help of sickle whereas the applicant has inflicted blow on the right hand of the uncle of the informant. I have perused the injury certificates of both parties which shows that members of both families have sustained injuries. There are also counter FIRs against each other. Considering all these facts and circumstances and as the investigation is complete, charge-sheet is filed and the applicant is behind bars since 13.11.2025, I am inclined to enlarge the applicant on bail by imposing certain terms and conditions. Hence the following order :

- (a) The application is allowed.
- (b) The applicant Kisana s/o Sudamji Shirsat in connection with Crime No.431 of 2025 registered with the Barshitakali Police Station, Akola be released on bail on furnishing P.R. bond of Rs.50,000/- with one surety in the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the

case, as also shall not tamper with the evidence.

- (d) The applicant shall provide his residential address and cell number to Police Station concerned and shall not change his place of residence without prior intimation to the Investigating Agency.
- (e) The applicant shall not enter into the vicinity of village Yewata, Tq. Barshitakli, District Akola.
- (f) The applicant shall attend each and every date of trial regularly. If he fails to attend the trial for two consecutive dates, or fails to comply with the aforesaid conditions, his default would entail the State to ask for cancellation of bail.

7. The observations are *prima facie* in nature and the Trial Court shall not be influenced by the same .

8. All Misc. application(s), pending if any, shall stands disposed of accordingly.

9. Fees of the appointed Counsel be quantified as per rules.

(M.M. NERLIKAR, J.)