

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 BAIL APPLICATION NO.1320 OF 2023
WITH APPLN/3052/2023 IN BA/1320/2023

NITIN MANERAM GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr.Sushant Baburao Choudhari
APP for the Respondents – State : Mr. S. B. Narwade
Learned Advocate to assist APP : Mr. S. G. Ladda

...
CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 25.08.2023

PER COURT :-

1. By this application, the applicant is seeking regular bail in connection with Crime No. 0327 of 2023 registered with Shivajinagar Police Station, District Beed for the offence punishable under sections 3/25, 4/25 of the Arms Act and Sections 143, 147, 148, 149, 160, 323, 324, 307, 504, of the Indian Penal Code and Section 135 of the Maharashtra Police Act.

2. It appears that the incident took place between two groups and they raised assault against each other. Three First Information Reports are lodged for one and the same incident. So far as, present F.I.R. is concerned, the applicant is not made as accused. No role is attributed against the applicant.

3. Mr. Choudhari, learned Advocate appearing for the applicant would submit that the present F.I.R. is lodged by the Police Officer immediately after the incident wherein the applicant is not named. The subsequent F.I.R. is lodged by rival group after five days, the possibility of false implication cannot be ruled out. The large number of accused are subsequently named. He would further point out that no specific role is attributed to the applicant even in those FIR, though generally, it is stated that he was holding an iron rod in his hand.

4. Mr. Ladda, learned advocate appearing for the respondent-victim invited attention of this Court to FIR in C.R.No. 336/2023 in respect of same incident wherein the applicant is shown as accused.

5. Learned APP submits that although the present F.I.R. is lodged by the Police Officer and name of applicant is not included in the said F.I.R. as accused, during investigation the presence of the applicant is noted at the spot of the incident.

6. Having considered the submissions advanced, apparently, the applicant is not named as an accused in present F.I.R. which is filed by independent person i.e. a police officer. However, in the subsequent FIR lodged by rival group, name of the applicant is included as an accused. No specific role attributed against him. Hence same cannot be taken into consideration while dealing with present application.

The applicant is behind bar for more than one month. His further detention would not be necessary. However, he can be released on bail, on some stringent conditions. In that view of the matter, following order :-

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant Nitin s/o Maneram Gaikwad be enlarged on bail in Crime No. 0327 of 2023 registered with Shivajinagar Police Station, District Beed for the offences punishable under sections 3/25, 4/25 of the Arms Act and Sections 143, 147, 148, 149, 160, 323, 324, 307, 504 of the Indian Penal Code and Section 135 of the Maharashtra Police Act.
- (iii) The applicant shall not tamper with the prosecution evidence in any manner and shall not leave Beed District without written intimation to the concerned police station.
- (iv) The applicant shall visit the concerned police station once in a week i.e. on every Monday from 11.00 a.m. to 2.00 p.m. till filing charge-sheet.
- (v) He shall co-operate with investigation.
- (vi) Bail application is accordingly disposed off.
- (vii) Criminal Application to assist the learned APP is allowed.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-