

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.1617 OF 2023

VAIBHAV VIJAY GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Nikhil P. Ghanwat, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 25th SEPTEMBER, 2023.

PER COURT:-

1. By this application, the applicant seeks regular bail in connection with Crime No.305/2023 registered with Supa Police Station, Dist. Ahmednagar for the offence punishable under 326, 323, 504, 506 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by one Ishwar Ashok Kadaue. It is alleged that on 22.06.2023, the informant alongwith his friends were playing the game of cricket. When the turn of informant for the batting arrived, there was quarrel between the informant and the applicant. It is alleged that the accused/applicant had initially assaulted the informant by fists and kicks. However, thereafter the applicant/accused hit on the head of the informant using the cricket bat, by which he suffered injuries. The applicant/accused is arrested in pursuance of the aforesaid crime and he is behind the bar since 11.08.2023.

3. The learned Advocate appearing for the applicant would submit that the applicant and informant are in fact friends. They were playing cricket regularly. The dispute started because of some trifle reason and in the heat of the anger, the said incident occurred. He would submit that the applicant is hardly 22 years of age and there are no criminal antecedents. He would further submit that the further detention of the applicant may not be necessary, since the investigation is practically over.

4. The learned APP, however, strongly oppose the application. She would point out that the informant has suffered a grievous injury because of assault on the part of the applicant. She would submit that the incident is seen by witnesses, who were at the spot. The applicant is clearly attributed as author of injury by the witnesses. Therefore, *prima facie* case is made out against the applicant. The investigation is still in progress.

5. Having considered the submissions advanced, apparently the incident took place while informant and the applicant alongwith others were playing the game of cricket. All of them are friends *inter-se*. On account of trifle reason, there was quarrel, which turned into the assault by the applicant to victim causing injury. The applicant is arrested on 11.08.2023. The weapon of the offence i.e. cricket bat is already recovered. There are no criminal antecedents. Looking to the age of the applicant, so also the nature of the allegations, further detention of the applicant may not be necessary. However, the applicant can be released on bail by imposing certain conditions. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Vaibhav Vijay Gaikwad be released on bail in Crime No.305/2023 registered with Supa Police Station, Dist. Ahmednagar for the offence punishable under 326, 323, 504, 506 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
- a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall visit the concerned police station once in a week i.e. on every Monday between 10.00 am to 02.00 pm.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE