

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1874 OF 2023

VISHNU RAMBHAU GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Dhananjay M. Shinde
APP for Respondent/State : Mr. S. P. Tiwari
...

CORAM : S. G. MEHARE, J.

DATE : 30-10-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. The applicant seeks bail in Crime No.327 of 2023 registered with Police Station Shivajinagar, Beed, for the offences punishable under Sections 160, 307, 324, 326, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code and Sections 3 and 4/25 of the Arms Act and Section 135 of the Maharashtra Police Act, 1951.
3. The applicant was named in the first information report. However, there were no allegations about role actually he has played during the course of quarrel between two groups. The police arrested him and recorded his statement for discovery of the facts under Section 27 of the Indian Evidence Act. In that process, his statement was recorded that he hide the weapons using in the crime in house. The police are using the statement

against the applicant. Apparently it is not the confessional statement. The ambit of Section 27 of the Evidence Act is altogether different from confessional statement. It is used only for the purpose of discovery of the fact relevant to the incident. Except the above statement, there is nothing against the applicant. The so-called weapons have been shown recovered from him. No injured was under treatment. It was a riot between two groups. The applicant is languishing in jail since 20.06.2023. The chargesheet has been filed. There are number of accused, so the trial may take time to conclude.

4. For the above reasons, the applicant deserves bail. Hence, the order:-

- i) The application is allowed.
- ii) Applicant Vishnu Rambhau Gaikwad be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not enter Beed town for two months from the date of his release.
 - (b) He shall not tamper with the prosecution witnesses.
 - (c) He shall attend the trial on each effective date.
 - (d) He shall enter the Beed town during the period of two months for the purpose of attending the trial arising out of present crime. After attending the trial, he shall immediately leave the Beed town.

(S. G. MEHARE, J.)