



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

46 BAIL APPLICATION NO. 969 OF 2024

1. AJAY SUNIL GAYAKWAD
2. CHAKRADHAR KALYAN GAYAKWAD
3. SURESH BHIMRAO NIKALJE

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Gore Ravindra Vitthal.
APP for Respondent-State : Ms. D. S. Jape.

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CORAM : S. G. MEHARE, J.

DATE : 01.07.2024

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants seek bail in Crime No.152 of 2024, registered with Paithan Police Station, District Aurangabad, for the offences punishable under Sections 394, 341, 397, 323, 504 of the IPC.
3. It is the prosecution case that the accused intercepted the injured, who was a policeman, but not in uniform. He had snapped the photograph of one of the accused. They took away cash of Rs.7400/- from his pocket. As against the prosecution case, applicants have positive case that there was a small motor accident and the quarrel took place. One of the co-accused has also sustained injury. Since the injured was police,

he has coloured the case as it was a road robbery. The weapons have been recovered from the applicant. In the absence of any explanation about the injuries sustained to the co-accused and admission of the applicant of their presence on the spot, at this juncture, the case of the accused cannot be brushed aside. The defence of the applicants *prima facie* appears probable.

4. For the above reasons, the application deserved to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant Nos.1 AJAY SUNIL GAYAKWAD, 2. CHAKRADHAR KALYAN GAYAKWAD and 3. SURESH BHIMRAO NIKALJE be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of like amount each on the following conditions :
 - (a) They shall not tamper with the prosecution witnesses.
 - (b) They shall attend the trial on each and every date.

(S. G. MEHARE, J.)

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