



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2944 OF 2023

SHRI PAVAN DILIP GAIKWAD

..APPLICANT

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Mr. Hrishikesh S. Shinde, for the Applicant.

Ms. Sangeeta D. Shinde, APP for the State.

PSI- Mr. Londhe, Mohol police station present.

CORAM : M. S. KARNIK, J.

DATE : FEBRUARY 22, 2024

P.C. :

1. Heard learned counsel for the applicant and learned APP for the State.
2. This is an application for bail in respect of the offence punishable under sections 307, 364, 327, 504, 506 read with 34 of the Indian Penal Code, 1860 and under sections 3, 25 of the Arms Act, 1959 registered on 17/05/2023 vide First Information Report (FIR) No. 397 of 2023 with Mohol police station, Solapur Rural.
3. Learned counsel for the applicant invited my attention to the order dated 13/12/2023 passed in Bail Application No.

3133 of 2023 in respect of co-accused-Abdul Mainuddin Pathan. For ease of reference, the relevant portion of the said order is reproduced hereinbelow which reads thus :

“3. There are in all 4 accused. The applicant is the accused no. 3. The applicant was arrested on 17/05/2023. The date of the incident is 16/05/2023. It is alleged that the main accused Saddam Shaikh had some dispute with the sister of the informant. To resolve the dispute, the victim was called by the prime accused Saddam Shaikh. The informant was made to consume liquor whereafter he was taken in a car. The applicant along with other accused were present in the car. It is alleged that the informant was kidnapped at a gunpoint. A revolver was recovered from the prime accused Saddam. It is alleged that the informant was assaulted. The informant suffered simple injury. The informant jumped from the speedy vehicle and escaped.

4. Learned APP opposed the application for bail. Learned APP submitted that the informant has identified the present applicant. In the facts and circumstances of the present case, in my opinion, the applicant can be enlarged on bail considering the role of the present applicant. The informant had suffered simple injury. The applicant will face the consequences of trial. The investigation is complete. The charge-sheet has been filed. There are no criminal antecedents reported against the applicant. The applicant is in custody for almost 7 months. There is nothing on record to show that the applicant is a flight risk. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail.”

4. So far as the applicant is concerned, the applicant is the accused no.2. The role of the present applicant is similar to that of the co-accused-Abdul Mainuddin Pathan who has been enlarged on bail. The applicant is now in custody for a period of more than 9 months since the date

of his arrest on 17/05/2023. Though the application is opposed by learned APP, on the ground of parity, under the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail.

ORDER

- (a) The application is allowed.
- (b) The applicant- Pavan Dilip Gaikwad in connection with C.R. No. 397 of 2023 registered with Mohol police station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant shall attend the investigating officer of Mohol police station once in a month first Monday of every month between 11.00 a.m. and 1.00 p.m.till further orders of the trial Court.
- (d) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.
- (e) On being released on bail, the applicant shall furnish his contact number and residential address to the investigating officer and shall keep him updated, in case there is any change.
- (f) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

5. The application is disposed of.

(M. S. KARNIK, J.)