



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO.3150 OF 2023

Prashant Rajendra Gaikwad

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

Mr. Prashant S. Hagare, Advocate for the Applicant.

Ms. Veera Shinde, APP for the Respondent-State.

Mr. Rahul Ghuge, A.P.I. attached to Baramati Taluka Police Station present.

CORAM: MADHAV J. JAMDAR, J.

DATED : 8th FEBRUARY 2024

PC:-

1. Heard Mr. Hagare, learned Counsel appearing for the Applicant and Ms. Shinde, learned APP appearing for the Respondent-State.

2. This regular Bail Application is preferred under Section 439 of the *Code of Criminal Procedure, 1973*. The relevant details are as follows:-

1.	C. R. No.	351 of 2023
2.	Date of Registration of F.I.R.	10/06/2023
3.	Name of Police Station	Baramati Taluka Police Station, Taluka -Baramati, District-Pune
4.	Section/s invoked	376(2) (n), 354(d), 323, 504

		and 506 of the I.P.C.,1860.
5.	Date of arrest	10/06/2023
6.	Date of filing of Charge-sheet	10/09/2023

3. It is the contention of Mr. Hagare, learned Counsel appearing for the Applicant that the Informant is a married woman having two children. He submitted that Informant and the Applicant were in a relationship and due to a dispute between them, the present F.I.R. has been lodged. He relied on the statement of the owner who has licensed her flat to the Applicant and the Informant on a Leave and License (Page 26) as well as the statement of witness-Rohit Sharad Shinde (Page 28) whom the Informant had told to call the Applicant.

4. Ms. Shinde, learned APP strongly opposed the Bail Application. She submitted that the material on record clearly shows the involvement of the Applicant in the offence. She pointed out the statement of the Informant dated 10th June 2023 on the basis of which the F.I.R. has been lodged.

5. Perusal of the record shows that the F.I.R. has been lodged on 10th June 2023 and Charge-sheet has been filed on 10th September 2023. As per the Charge-sheet, there are about 13 witnesses proposed to be examined by the prosecution. Mr. Hagare, learned Counsel appearing for the Applicant submitted that there is no progress in the trial and even the charge is not yet framed. The trial is unlikely to conclude any time soon and is likely to take a considerably long time.

6. There is substance in the contention of Mr. Hagare, learned Counsel appearing for the Applicant that the Applicant and the Informant were in a relationship and due to a dispute between them, the present F.I.R. has been lodged.

7. The Applicant does not have any criminal antecedents.

8. The Applicant does not appear to be at risk of flight.

9. Considering the facts of the case, the Applicant can be enlarged on bail by imposing conditions. In view thereof, the following order:-

ORDER

- (a) The Applicant-Prashant Rajendra Gaikwad be released on bail in connection with C. R. No.351 of 2023 registered with the Baramati Taluka Police Station, Taluka-Baramati, District-Pune on his furnishing P. R. Bond of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) On being released on bail, the Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (c) The Applicant shall report to the Walchandnagar Police Station, Taluka-Indapur, District-Pune on the first Sunday of every month between 11.00 a.m. and 1.00 p.m. until the conclusion of the trial.
- (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 such a person from disclosing the facts to the Court or to any Police personnel.

(e) The Applicant shall not tamper with the evidence and shall not contact or influence the Complainant or any witnesses in any manner.

(f) The Applicant shall attend the trial regularly. The Applicant shall co-operate with the Trial Court and shall not seek unnecessary adjournments thereat.

(g) The Applicant shall surrender his passport, if any, to the Investigating Officer.

10. The Bail Application is disposed of accordingly.

11. It is clarified that the observations made herein are *prima facie* and the trial Court shall decide the case on its own merits and uninfluenced by the observations made in this order.

(MADHAV J. JAMDAR, J.)