



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 137 OF 2025

Nitin S/o. Sampat Gaikwad,
Age : 29 years, Occu. : Labour,
R/o. Padali, Tq. Paithan,
Dist. Chhatrapati Sambhaji Nagar
(Aurangabad)

... Applicant

Versus

The State of Maharashtra

... Respondent

.....
Mr. B. P. Pande, Advocate for the Applicant.
Mr. P. K. Lakhotiya, APP for Respondent-State.
.....

CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 11.03.2025

Pronounced on : 13.03.2025.

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0219 of 2024 registered at Bidkin Police Station, District Aurangabad for offences punishable under Sections 307, 504, 506 r/w section 34 of IPC.

2. Pointing to the date of arrest as 17.06.2024, it is submitted that, FIR is of 23.05.2024 and occurrence is of 22.05.2024. Therefore, apparently there is delayed FIR. That, allegations against

present applicant are of hitting hammer on head by way of single blow. That, hammer is already seized. That, investigation is also over. He pointed out that, surprisingly, here, spot panchanama is drawn prior to the occurrence. That, there are several shortfalls. Thus, according to learned counsel, when charge sheet is already filed in August 2024 itself and when no further recovery or discovery is shown and as applicant is ready to abide all and any conditions imposed by this court, learned counsel seeks grant of bail.

3. Learned APP opposed by pointing out that there is assault by dangerous weapon, like hammer. Learned APP took this court through the injury certificate and submitted that there are more than one injuries and out of five injuries, four are grievous. That, hammer which is seized from the spot carried blood stains. Statements under sections 161 and 164 are consistent. That, according to learned APP, charge is already framed, and therefore, there is possibility of early commencement of trial and its conclusion too and for all above reasons, bail application is opposed.

4. Heard. Perused the FIR dated 23.05.2024 at the instance of one Maroti Bande, who reported Bidkin police that around 5:30 p.m., his brother Dnyaneshwar took motorcycle for repairs to the

garage of one Jamil Shaikh. Around 6:00 p.m., he got phone call from Appasaheb informing assault on his brother by Nitin Sampat Gaikwad i.e. present applicant and Dilip Gaikwad. When informant reached said spot, he found his brother lying in injured condition. Informant claims that when applicant and non applicant Dilip were asked, they allegedly said that, there was accusations against Dnyaneshwar for committing murder, but still he is enlarged on bail and hence he was assaulted. Injury certificate is placed on record. Injured has suffered CLW on frontal prominent forehead, blunt trauma on head, compound fracture to both hands and CLW to leg. Injury nos.1, 3 and 5 are certified to be grievous. There is statement of injured.

5. Therefore, with such allegations, considering the articles used, site of injury, statement of injured, the background in which incident took place, though charge sheet is filed, this court is not inclined to grant bail at this stage.

6. The applications stands rejected.

[ABHAY S. WAGHWASE, J.]