



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 395 OF 2025

1. Gaurav alias Pillu S/o. Nanasaheb Wankhede
Age: 24 years, Occu.: Labour,
R/o. : Triveni Nagar, N-7, Cidco,
Tq. & Dist. Aurangabad.Applicant

Versus

1. The State of Maharashtra
2. Commissioner of Police,
Aurangabad.Respondents

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WITH

**CRIMINAL APPLICATION NO. 1345 OF 2025
IN BA/395/2025**

1. Abhinay @ Sunny Chandresh Dixit
Age: 33 years, Occu.: Manager,
R/o. : H.No.B-1/333, Near Mukul Mandir,
N-7, CIDCO, Aurangabad.Applicant

Versus

1. The State of Maharashtra
At the instance of CIDCO
Police Station, Aurangabad.
2. Gaurav Alias Pillu Nanasaheb Wankhede
Age: 23 years, Occu.: Agril.,
R/o. : G-1/33, Triveni Nagar,
N-7, Cidco, Aurangabad.Respondents

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Advocate for Applicant : Mr.S.J.Salunke h/f. Mr.Datta Sundarrao Kale
APP for Respondent – State : Mr.PK.Lakhotiya
Advocate for assist to PP : Mr.A.K.Bhosale
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 APRIL, 2025

PRONOUNCED ON : 17 APRIL, 2025

ORDER :

1. Present bail application is arising out of registration of crime bearing no.0605 of 2024, for offence under Sections 109, 115(2), 118(1), 189(2), 190, 191(2), 191(3), 352 of the Bharatiya Nyaya Sanhita (BNS).

2. Taking this Court through the FIR, learned counsel for applicant pointed out that only allegations against the applicant are of assault by stone, which too was allegedly picked up from ground at the spot. Therefore, occurrence was sudden. That, injury suffered by victim is simple in nature. That, investigation is over. That, nothing more is to be recovered or discovered at the instance of applicant. That, chargesheet is also filed on 03-01-2025 and according to learned counsel, there are no immediate prospects of matter going for trial as even case is not yet committed. For all above reasons, he urges for grant of bail.

3. Learned APP pointed out that incident in question is at the instance of present applicant. That, there are specific allegations.

That, witness namely Devesh named applicant both in statements under Sections 164 and 161 of the Code of Criminal Procedure. That apart, applicant has criminal antecedents and according to learned APP, he has information that matter is already committed to Sessions Court for trial and for all above reasons, learned APP opposes application.

4. Criminal Application No.1345 of 2025 is filed by informant seeking permission to assist learned APP. For the reasons mentioned in the application, Criminal Application No.1345 of 2025 is allowed.

Learned counsel representing informant opposed application on the ground that victim injured was hospitalized for 28 days. He took this Court through the sites of injuries suffered, which are mentioned in the Injury Certificate. He too pointed out that applicant has bad track record. That, applicant was extern as a preventive measure. Therefore, according to learned counsel for informant, applicant is threat to society and therefore, he opposes bail application.

5. Heard. Perused the FIR dated 17-09-2024 at the instance of Abhinay Chandresh Dixit, who has reported that on 16-09-2024, he

and his brother went to Mahakal hotel to pick up parcel. On the way, they came across Gaurav @ Pillya Wankhede i.e. present applicant and he gestured his brother to come near him. Shortly, thereafter, Dhamma Khetre and Sai Jadhav reached there on Motorcycle and they brought their associates on Motorcycle. It is reported that Dhamma Khetre questioned Devesh i.e. brother of informant, as to whether he has become Dada of the area and started abusing. It is alleged that Dhamma Khetre was armed with a sword and he assaulted his brother on head.

As regards to present applicant is concerned, it is alleged that he picked up a stone lying there and he too assaulted informant on the head. On above report, crime has been registered. Injury certificate is part of the chargesheet. Informant Abhinay Chandresh Dixit has suffered lacerated wound on parietal region. As pointed out, it is simple in nature. CT Brain do not reveal any abnormality. Now investigation is said to be over and chargesheet is filed in January, 2025.

6. Learned APP submitted that case is committed. However, further course of trial is uncertain and whether charge is framed or not is not known.

7. Oppose to the bail is on the ground of bad antecedents. Learned counsel for the applicant has placed on record order passed by this Court in Criminal Writ Petition No.1152 of 2023 for quashing detention order passed under Section 3 of the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders, Dangerous Persons, Video Pirates, Sand Smugglers and Persons Engaged in Black-Marketing of Essential Commodities Act (MPDA Act).

Similarly, copy of case status of Sessions Case No.200 of 2020 is placed on record, which shows that the said case is disposed of on 20-02-2025 and accused persons are acquitted by learned Extra Joint District Judge and Additional Sessions Judge, Aurangabad.

Therefore, taking the aforesaid facts into account and considering the nature of allegations, injury suffered by informant and that no further recovery or discovery is shown to be made from the applicant and chargesheet is already filed, relief as prayed deserves to be granted. Hence, following order :

ORDER

- (i) Bail Application is allowed.

(ii) Applicant Gaurav alias Pillu S/o. Nanasaheb Wankhede be released on bail in connection with Crime no.0605 of 2024 registered with Cidco Police Station, District Chhatrapati Sambhajnagar, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.

(iii) Applicant shall not tamper prosecution evidence.

(iv) Applicant shall not leave the jurisdiction of Cidco Police Station, District Chhatrapati Sambhajnagar, till conclusion of trial, except for attending effective dates before the Court.

(v) Criminal Application No.1345 of 2025 is disposed of.

(ABHAY S. WAGHWASE)
JUDGE