



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

1018 BAIL APPLICATION NO. 727 OF 2025

SAVITA PRALHAD GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant :

**Mr. Paikrao Dhammadip Ankush, & Mr. Bobade Sopan Gynba
APP for Respondent/State: Mrs. A. S. Mantri**

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CORAM : ARUN R. PEDNEKER, J.

DATE : 02.07.2025

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as she was arrested on 21.10.2024 in connection with Crime No.375/2024, registered with Sillod (Rural) Police Station, District Aurangabad (Rural), for the offences punishable under Sections 103(1), 118(1), 115(2), 333, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3] The facts as noted in paragraph no.3 of the trial court's Order dated 02.04.2025 are as under:-

"03. The case of the prosecution in short is that, the informant Shri. Sunil Sanjay Sonwane lodged First Information Report on 21.10.2024

alleging that, on 20/10/2024 at 12.00 P.M. his brother Amol Sonwane went to Dongargaon for bringing his wife Sunita. At about 8.30 P.M. the co-accused no.1 and 2 and the applicant / accused came to their house and inquired about his brother. His father and mother told them that, he went to Dongargaon. The co-accused no.1 and 2 are real brothers of wife of his brother Amol. They abused father of the informant and slapped him. There was exchange of hot words between them. At that time, deceased who was husband of sister of the informant namely Shankar Tatware came there and restrained the accused from making noise. At that time, the co-accused no.2 assaulted with knife in his stomach and the applicant / accused caught his both hands from back side. Then the co-accused no.1 assaulted Shankar Tatware with the same knife by making two blows in his stomach and on chest. Then they ran away from there on motorcycle. The deceased was firstly taken to Sillod Rural Hospital then to Ghati Hospital. In the said incident the sister of the informant namely Pooja was also injured when she intervened in the quarrel. Therefore, First information report was lodged.

4] It is stated that at the time of the incident the applicant has caught hold both hands of the deceased from the back side while the two co-accused brothers of the applicant assaulted the deceased by means of knife. At the relevant time it is stated that the applicant was holding both the hands of the deceased from back side. Accordingly, the applicant was arrested and continues to be in custody from 21.10.2024. Charge-sheet in the matter is filed. Bail

application of the applicant is rejected by the Sessions Court and, as such, the present application is filed.

5] The learned counsel for the applicant submits that the role of the applicant is exaggerated and that the fight was on the spur of the moment and the assault is by the brothers of the applicant. It cannot be stated that the applicant was present and caught hold both hands of the deceased and the brother have assaulted the deceased. He particularly points out 164 statement of the wife of the deceased. The learned counsel has pointed out from the 164 statement that the informant was not present. She has primarily stated that the after the incident the informant came along with his friends. He points out that informant is not the eye witness to the incident as such role assigned to the applicant by the informant is not reliable.

6] He also relies upon the order dated 02.04.2025, passed in the case of the co-accused Rohit Manjulkar, wherein it is stated that the applicant therein / co-accused has helped the co-accused and prima facie involvement of the applicant therein / co-accused in commission of crime is not established and due to which the applicant therein / co-accused was granted bail because the name was not mentioned in the FIR or in the statement of the eye witness.

7] Per contra, learned APP points out that the informant, so also, the mother of the informant and Pooja-sister of the informant have consistently stated that the present applicant has caught hold both hands of the deceased from back side and then the co-accused / brothers of the present applicant assaulted the deceased by means of knife on stomach.

8] Considering the rival submissions, it can be seen that the investigation in the matter is complete and the applicant is in custody from 21.10.2024. In the 164 statement of the Pooja there was slight deviance as regards the informant being present on the scene. Although, there is consistent statement as regards the presence of the applicant at scene of the offence.

9] It is also stated that the knife was taken by one brother of the applicant and was used by other brother and that the applicant had caught hold both the hands of the deceased meaning thereby all the family members are in some way said to have assaulted the deceased. The assault has taken place at the house of the deceased, where family members of the deceased are present and the applicant was visiting from different place.

10] From the perusal of the case noted, it does not appear that the accused had gone there to assault the

deceased but it was when the deceased told them not to make noise and quarrel, on the spur of the moment, assault was made. It is possible that all the members, who were present there are roped-in in some form and it is likely that the applicant may have not participated as contended by the applicant. The role as given that she caught hold both the hands of the deceased to enable the co-accused to assault the deceased. The same is based on evidence of witnesses, who were present there. The veracity of the statement will have to be tested in the trial.

11] Considering that the applicant is in jail for near about 9 months and possibly all the family members present there are implicated. Considering this aspect of possible implication and that the applicant is not alleged to have assaulted the deceased by any weapon, the applicant can be granted bail.

12] In view of the above, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.375/2024, registered with Sillod (Rural) Police Station, District Aurangabad (Rural), for the offences punishable under Sections 103(1), 118(1), 115(2), 333, 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on furnishing PR

bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

13] Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled.

14] It is also clarified that the observations made in this order are limited to the disposal of the present bail

application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

15] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

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