



{1}

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

BAIL APPLICATION NO.354 OF 2025

Gopal Sitaram Chaudhari
Age: 20 years, Occ.: Education,
R/o. Rameshwar Colony, Jalgaon,
Tq. and Dist. Jalgaon. ... Applicant

Versus

The State of Maharashtra
Through its Jalgaon Taluka Police
Station, Tq. and Dist. Jalgaon. ... Respondent

**WITH
CRIMINAL APPLICATION NO.1396 OF 2025 IN BA/354/2025**

Soham Gopal Thakre,
Age: 18 years, Occ.: Labour,
R/o. Plot No.11, Laxminagar,
Infront of Namaskar Mall,
Near Panipuravtha Office, Jalgaon. ... Applicant
(Orig. Complainant)

1. The State of Maharashtra
Through its MIDC Police Station,
Tq. and Dist. Jalgaon.
2. Gopal Sitaram Chaudhari
Age: 20 years, Occ.: Education,
R/o. Rameshwar Colony, Jalgaon, ... Respondents

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Ms. Rani K. Agrawal, Advocate for Applicant
Mr. V.M. Jaware, APP for Respondent – State
Mr. Mukul M. Deshpande, Advocate for Informant for Assist to APP

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 21 APRIL 2025
PRONOUNCED ON : 22 APRIL 2025

PER COURT :-

1. Applicant seeks grant of regular bail on account of his arrest in Crime No.0140 of 2024, registered with MIDC Police Station, Jalgaon, District Jalgaon for offences punishable under Sections 307, 504, 506 read with Section 34 of the Indian Penal Code (IPC) AND UNDER Sections 3/25 and 5/25 of the Arms Act and under Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

2. Criminal Application No.1396 of 2025 is filed by the informant seeking permission to assist APP. For the reasons mentioned in the application, the applicant is permitted to assist APP. The application is accordingly disposed of.

3. Learned counsel for the applicant pointed out that applicant is behind the bars since 02.03.2024 in connection with FIR, which is of 01.03.2024. She pointed out that, there was some quarrel between main accused and the informant. That, there are allegations that present applicant merely handed over the arms to accused No.1, who allegedly used it. Except such allegation, no role is attributed to the present applicant. That, recently applicant was lost his father and brother. She further pointed out that, accused Nos. 3 and 4 are beneficiaries of bail.

{3}

When charge-sheet being filed on 21.05.2024, it is her submission that, no further recovery or discovery is shown to be made at the instance of applicant. That, there are no criminal antecedents against him, and as applicant is ready to abide all and any conditions imposed by this Court, she urges for grant of bail.

4. Learned APP as well as learned counsel for informant have both opposed on the ground that, there is an eyewitness account. That, statements of eyewitnesses are recorded under Section 161 of the Code of Criminal Procedure. They have named the present applicant. They both pointed out that, arm used by accused No.1 was possessed by the applicant, and he passed it to main accused. Moreover, it is pointed out that applicant has bad antecedents. For all above reasons, bail is opposed.

5. Heard. Perused the papers. FIR is at the instance of Soham Thakre. He reported to the police that at 3:30 p.m. on 01.03.2024, when he, his friend Vikram and Rushikesh were chatting, at that time, they were approached by two motorcycles. One was occupied by Dikshank Sapkale and Gopal Chaudhari, and other motorcycle was occupied by two unknown

{4}

persons. It is alleged that after abusing, Dikshant threatened informant to not to follow his sister and saying so, he was threatened to kill. It is alleged that, at that time, Gopal Chaudhari (present applicant) whisk out the pistol and handed it over to Dikshant. Seeing the pistol, informant fled. It is alleged that Dikshant fired in his direction. On above report, crime has been registered.

6. Apparently, allegations which are attributed to the present applicant is that, he handed over arms to accused Dikshant, who allegedly further used it by firing. Now, investigation is over and charge-sheet is filed in May 2024. Almost a year is lapsed. Statement made across the bar that charge has not been framed yet.

7. Therefore, considering the same and when future course of trial is uncertain, and no further purpose is shown to be achieved by further detention of the applicant coupled with the ground of parity, given that accused Nos. 3 and 4 have been enlarged on bail, applicant also succeeds. Hence, the following order :

ORDER

(i) Application is allowed.

{5}

(ii) The applicant be released on bail in connection with Crime No.0140 of 2024, registered with MIDC Police Station, Jalgaon, District Jalgaon on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:

[a] The applicant shall not tamper prosecution evidence.

[b] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.

[c] The applicant shall attend the concerned police station twice in every week i.e. on every Thursday and Monday between 10:00 a.m. to 02:00 p.m. till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

**ABHAY S. WAGHWASE,
JUDGE**

S P Rane