



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

958 BAIL APPLICATION NO. 809 OF 2025

SWAPNIL KISANRAO GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr.Satej S. Jadhav
APP for Respondent-State : Mrs.P.V.Diggikar

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.06.2025

P.C. :

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

2] The applicant is seeking bail as he is arrested on 09.04.2025 in connection with Crime No.0147/2025, registered with Satara Police Station, Aurangabad, for the offence punishable under Sections 109, 118 (1), 115 (2), 127(2), 140 (1), 310 (2), 61 (2), 238 r/w. Section 3 (5) of the B.N.S., 2023 and Section 3/25 of the Arms Act.

3] The facts noted by the learned Additional Sessions Judge, Aurangabad in Bail Application No.864/2025 is as under :

It is the case of the prosecution that on 06.04.2025 at about 2 to 4 a.m., accused persons on the

count of tender work, forcibly caused the informant to sit in their Car No. MH-20-EY-1110, from Hotel Sai Swaraj, at Beed Bye Pass and took him to their office at Sudhakarnagar and wrongfully confined him at said place and also beaten him by means of cable, rod, slaps. Accused No.1 also pointed pistol on his head and threatened to kill him and also snatched his golden chain worth Rs.2 lakhs and also caused the informant to hand over laptop and mobile of his friend Abhijeet @ Bunty Barde and thereafter, with the help of the informant, accused persons kidnapped his friend Abhijeet @ Bunty Barde, beat and threatened him to kill and on next day, in the morning at 4.30 a.m. released him at Deolai Chowk and threatened him to kill if he informs anybody about it. Accordingly, he lodged the complaint against accused persons and crime came to be registered for the aforesaid offences and thus, accused Nos.1, 3 to 5 came to be arrested in connection of this crime. Present applicant / accused No. 3 is in jail since 09.04.2025.

4] The learned counsel for the applicant submits that the applicant has filed Bail Application No.864/2025 before the Sessions Court and the same was rejected on 23.04.2025. He further submits that the applicant is a Civil Engineer. There are no criminal antecedents against the present applicant. Large number of persons are involved in the alleged crime. He further submits that there is rivalry

between two groups. It is the allegation that the informant was called by the one co-accused in the Hotel and thereafter the accused persons detained the informant and assaulted him by cable, rod and slaps. Six accused persons are named in the FIR and 15-20 unknown persons are mentioned in the FIR. He further submits that no role is attributable to the present applicant in the alleged crime and he was present in the office when the other accused persons assaulted the informant. The applicant is in custody since 09.04.2025 and the assault is made by the accused on the informant by cable, rod and slaps. He further submits that as of today, no recovery is to be made at the instance of the applicant.

5] *Per contra*, the learned APP submits that the charge sheet is not yet file in the matter and until the charge sheet is filed in the matter, bail application of the applicant should not be entertained. It is further submitted that the informant and the witnesses are taken the name of the present applicant and there is role of the present applicant in the alleged crime.

6] Having considered the rival submissions, so also, considering the injury certificates which shows simple injuries and that both the parties are in the same business of construction and over implication cannot be ruled out. Considering all aspect of the matter, further custody of the

applicant is not required. There are no criminal antecedents against the present applicant. The applicant is in custody from 09.04.2025 and the investigation in the matter is nearly complete. No recovery is to be made at the instance of the applicant.

7] 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.0147/2025, registered with Satara Police Station, Aurangabad, for the offence punishable under Sections 109, 118 (1), 115 (2), 127(2), 140 (1), 310 (2), 61 (2), 238 r/w. Section 3 (5) of the B.N.S., 2023 and Section 3/25 of the Arms Act, 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.

8] 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. 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.

9] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC