



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

938 BAIL APPLICATION NO.841 OF 2025

SURAJ VILAS GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.N.S.Ghanekar

APP for Respondent-State : Mr.S.K.Shirse

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 15.07.2025

P.C. :

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

2] The applicant is seeking bail as he is arrested on 01.01.2025 in connection with Crime No. 01 of 2025, registered with Jawahar Nagar Police Station, Dist. Aurangabad, for the offence punishable under Sections 109, 118 (2), 189 (2), 189 (4), 115 (2), 352, 126 (2), 118 (1) r/w. 3 (5) of the Bharatiya Nyaya Sanhita, 2023.

3] The case against the applicant is that on 01.01.2025 at 1.30 a.m. the informant along with his friends were taking dinner in Hotel Banjara, 7 Hills, Aurangabad and the applicant along with other accused were also having dinner on the same place. Some

altercation started between them and thereafter they fought. It is further alleged that the accused have assaulted the informant and friends of the informant. In all five persons are injured in the said incident. As such, the FIR is registered against the present applicant. The applicant was arrested on 01.01.2025. Three accused persons were arrested; two accused persons are absconding. Out of three arrested accused, two accused are granted bail.

4] The learned counsel for the applicant submits that there was fight between two groups in a Hotel. Both the party have suffered injuries. He has also taken me through injury certificates of five injured witnesses, out of which four of injured suffered simple injuries. Jivan Pawar had suffered four injuries and out of four, two injuries are simple in nature and two injuries are grievous in nature and grievous injury caused to the injured is not at the instance of the applicant. He further submits that the applicant is in custody from 01.01.2025. He further submits that the alleged weapon is recovered at the instance of the applicant and there is no further recovery to be made at the instance of the applicant. Considering the said fact, bail should be granted in favour of the applicant.

5] *Per contra*, the learned APP points out that there are three antecedents against the present applicant. In response to the said submission, the learned counsel for the

applicant submits that out of three antecedents, in two cases the applicant has been acquitted and one case is pending. The learned APP has not disputed the said fact. The learned APP further submits that there is recovery at the instance of the applicant, so also, there is statement of eye witness and considering the antecedents against the present applicant, bail should not be granted in favour of the applicant.

6] Having considered the rival submissions, it is to be noticed that the applicant is in custody from 01.01.2025. Investigation is complete in the matter. The recovery is made at the instance of the applicant and more importantly the alleged incident has taken place at the spur of moment. There is fight between two groups and both party had suffered injuries. Injury attributable to the applicant would possibly grievous or simple and the same cannot be ascertained from the Doctor's certificate. Considering the said fact, the applicant is granted bail. The application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No. 01 of 2025, registered with Jawahar Nagar Police Station, Dist. Aurangabad, for the offence punishable under Sections 109, 118 (2), 189 (2), 189 (4), 115 (2), 352, 126 (2), 118 (1) r/w. 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 shall not enter the jurisdiction of Jawahar Nagar Police Station, during pendency of the trial.

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

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

e] 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.

f] 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.

7] 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.

8] The application stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC