



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

961 BAIL APPLICATION NO.887 OF 2025

SAGAR RAJU GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.N.V.Dhake
APP for Respondent-State : Mrs.A.S.Mantri

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CORAM : ARUN R. PEDNEKER, J.

DATE : 13.06.2025

P.C. :

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

2] The applicant is seeking bail as he is arrested on 06.01.2025 in connection with Crime No.03/2025, registered with Mehunbare Police Station, Taluka Chalisgaon, District Jalgaon for the offences punishable under sections 109, 332 (c), 238 and 3 (5) of the Bharatiya Nyaya Sanhita, 2023, Section 37 (1) (3), 135 of the Bombay Police Act, 1951 and Section 4, 25 of Arms Act.

3] The FIR is lodged by Bebabai Chandar Gaikwad against unknown person. It is alleged in the FIR that on 04.01.2025 at about 11.30 p.m. two unknown person entered the house of the informant and assaulted the father-in-law of the informant by means of sharp weapon.

Injury to both heads was inflicted on the father-in-law of the informant. It is further alleged that the said assault had taken place on 04.01.2025 at 11.30 p.m.

4] The applicant is arrested on 06.01.2025 and produced before the Judicial Magistrate First Class on 07.01.2025. He was arrested on suspicion. The supplementary statement of the informant was recorded on 10.01.2025. It is stated in the said supplementary statement that the police have arrested two persons in the crime. It is further stated in the said statement that the accused persons have assaulted the father in law of the informant on the suspicion that the father in law of the informant committed black magic on the family of the applicant. Statement of Ashok Raghunath Gaikwad i.e. of injured, was recorded on 10.02.2025. It is stated in the said statement that the police have arrested two persons. It is further stated that the accused persons have assaulted him as they suspected that the injured had committed black magic on the family member of the applicant.

5] The learned counsel for the applicant submits that the case against the applicant is purely out of suspicion and there is no material to connect the applicant in the alleged crime. The earlier statement of the injured does not mention about identification of the accused persons. He further submits that on 10.02.2025, after a period of one

month, the injured has stated that he would in a position to identify the accused persons on the basis of body structure. He further submits that no case is made against the present applicant to connect him to the crime and the applicant is arrested on 07.01.2025. Charge sheet is filed in the matter and no further custody of the applicant is required.

6] *Per contra*, the learned APP submits that the applicant is arrested on suspicion and that on questioning the accused persons in the statement under Section 23 (2) of the Bharatiya Nyaya Sanhita pointed out the place where they burnt cloths. Recovery of burnt cloths of the applicant *prima facie* cannot be used against the applicant for drawing an inference that they were involved in the assault.

7] *Prima facie* there is no evidence against the applicant to connect him to the alleged crime. The applicant is arrested on 07.01.2025. The trial Court would take substantial time to conclude the trial. In view of the same, the application is allowed in the following terms :

a] The applicant shall be released on bail in connection with Crime No.03/2025, registered with Mehunbare Police Station, Taluka Chalisgaon, District Jalgaon for the offences punishable under sections 109, 332 (c), 238 and 3 (5) of the Bharatiya Nyaya Sanhita, 2023, Section 37 (1) (3), 135 of the Bombay

Police Act, 1951 and Section 4, 25 of 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 shall not enter the jurisdiction of concerned 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.

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