



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

40 BAIL APPLICATION NO. 1268 OF 2025

Suhas Alias Suwash Mangesh Gaikwad

VERSUS

The State Of Maharashtra

...

Ms. Sarin Karishma Sanjay, Advocate for Applicant

Mr. P. P. Dawalkar, APP for Respondent/State

Mr. S. R. Zambare, Advocate for the informant

WITH

CRIMINAL APPLICATION NO. 3013 OF 2025

IN BA/1268/2025

Ramchandra Uttam Sable

VERSUS

Suhas Alias Suwash Mangesh Gaikwad And Another

...

Mr. S. R. Zambare, Advocate for the Applicant

Ms. Sarin Karishma Sanjay, Advocate for respondent No.1

Mr. P. P. Dawalkar, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 29.09.2025

PER COURT :-

CRIMINAL APPLICATION NO. 3013 OF 2025

IN BA/1268/2025

1. This is an application for assist to prosecution.
2. The learned advocate for the applicant is permitted to assist the prosecution.
3. The application is disposed of.

BAIL APPLICATION NO. 1268 OF 2025

1. Heard.
2. This is an application seeking regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.334 of 2024, registered at Sakri Police Station, District Dhule, for the offences punishable under Sections 103(2), 115(2), 189, 190, 191(1), 192, 194 and 352 of the Bharatiya Nyaya Sanhita, 2023.
3. The learned advocate for the applicant pointed out the report in which the informant averred that there was a dispute between two groups in the village Pinjarwadi regarding the allotment of houses under a Government scheme. On 28.09.2024 at about 12.45 p.m., while the informant was present at D.K. Hotel, Pinjarzadi, District Dhule, the applicant and co-accused arrived there. They raised a dispute and picked up quarrel with the informant over the preparation of the list of beneficiaries of the said housing scheme. They abused the informant and started assaulting him. One Shubham Bhimrao Gavali intervened in an attempt to pacify the quarrel. However, the applicant and co-accused assaulted Shubham, pressed his throat and gave fist blows on his chest and stomach. Shubham collapsed on the ground and became unconscious. He was immediately taken to the Rural Hospital, Sakri for treatment, however, upon examination, the doctor declared him dead. Thereafter, the report was lodged.

4. The learned advocate for the applicant submitted that the specific role of the applicant is not pointed either in the report or in the statements of the witnesses. The incident took place all of a sudden and there is no evidence to show that the applicant had any premeditated intention to commit the murder of Shubham. The applicant has roots in the society and he will not flee away from the trial. The trial will take a long period. The investigation is over and further custody of the applicant is not necessary. Nothing has been recovered at the instance of the applicant. There are discrepancies between the statements recorded under Sections 162 and 164 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The learned advocate for the applicant, in support of her submissions, placed reliance on the order of this Court in ***Nitin S/o Vasudeo Thakre Vs. The State of Maharashtra***, Criminal Application (ABA) No.17 of 2024, decided on 12.01.2024. It is lastly prayed to allow the application.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime of murder. It is pointed out from the statements of the witnesses that the applicant had given forceful fist blows on the stomach of Shubham, due to which he fell down. The learned APP further relied upon the statements of the witnesses recorded before the Judicial Magistrate under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is also pointed out that the applications

for bail filed by the co-accused, who are similarly situated, have already been rejected by this Court by an order dated 20.03.2025 in Bail Application Nos.379 and 380 of 2025. It is lastly prayed to reject the application.

6. Perused the report, particularly the statements of witnesses. Some of the witnesses have stated that the applicant assaulted the deceased by giving a fist blow forcefully on his stomach, due to which he fell down. If there is any variation in the statements of witnesses, the same can be considered during the course of trial. However, the evidence cannot be meticulously considered at this stage. Though the specific role of the applicant is not elaborated in the report, it is well settled that F.I.R. is not encyclopedia of the entire case. When the bail applications of the co-accused, who are similarly situated, have already been rejected by this Court, it becomes a matter of judicial discipline to follow the same view, as laid down by the Hon'ble Supreme Court in ***Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2005) 2 SCC 42.*** This Court cannot take a contrary view in such circumstances when the applicant is involved in a serious crime of murder. Considering all these aspects, no case is made out to allow the application. Hence, the application is rejected.

[SANJAY A. DESHMUKH, J.]