



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

**BAIL APPLICATION NO. 2211 OF 2025**

SURAJ ANIL GAIKWAD  
VERSUS  
THE STATE OF MAHARASHTRA

...  
Advocate for Applicant : Mr. Satyajeet S. Dixit  
APP for Respondents-State : Mr. S. M. Ganachari  
...

**CORAM : SACHIN S. DESHMUKH, J.**  
**Date : 11<sup>th</sup> December, 2025**

**ORDER :-**

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 16.06.2023 bearing Crime No. 324 of 2023 registered with Rahata Police Station, Dist. Ahmednagar for the offences punishable under Sections 307 of the Indian Penal Code.

2. The case of the prosecution is that One Rama Balasaheb Yadav lodged FIR informing that on 15/06/2023 at 10.00 pm, Dinesh Sadaphal made phone call to him and told that, his nephew Sangam Salve (deceased) was assaulted by somebody and was lying at Sonar Galli and blood was oozing from the head of Sangam and was taken to Saibaba Hospital, Shirdi. The informant thereupon went there and saw that, the deceased had sustained

head injuries.

3. The informant received the information from one Vivek Maghade that on 15/06/2023 at 08.30 pm, the deceased had made phone call to Vivek and had called at Sonar Galli. Therefore, Vivek and Rohit Ahire had reached there. They had seen the deceased lying in pool of blood and having sustained head injuries. Vivek was informed at that place that the deceased was sitting near the shop – Runwal Store. At that time, the applicant / accused went there. There was quarrel between the applicant and the deceased. The applicant took out knife and inflicted it on the head of deceased. Thereafter, the deceased was taken to Saibaba Hospital by Vivek and others. The informant lodged report at Rahata Police Station.

4. On 23/06/2023, the deceased died due to the multiple injuries. The offence punishable under Section 302 of the IPC came to be registered. Thereafter, investigation was conducted and upon completion of investigation, the Charge-sheet came to be filed.

5. The learned counsel for the applicant submits that there is no prima facie case against the applicant to made out the case. There is no motive to assault or kill the deceased. Statements of

Rohita and Vivek recorded under Sections 164 of CrPC do not indicate that the applicant has assaulted the deceased. The learned counsel for applicant further submits that there are various contradictions in the statements of witnesses recorded by the Investigating Officer. Hence, prayed to allow the application.

6. The learned APP has opposed the application submitting that the offence is serious in nature. The punishment for the offence alleged is death or imprisonment for life. During the course of investigation, incriminating weapon knife / adkitta has been seized from the applicant. If the applicant is released on bail, he would pressurize the witnesses and would tamper with the evidence. There is prima facie evidence against the applicant. As such, prayed for rejection of the application.

7. Having heard the learned counsel for applicant and learned APP for State, it is pertinent to note that during the course of investigation, incriminating weapon i.e. knife / adkitta has been seized at the instance of applicant. Prima facie, the said weapon, as may be seen from the available record, was blood stained. Thus, these are incriminating circumstances against the applicant.

8. The report of post-mortem examination and medical evidence indicate that, the injuries on the person of deceased were by the incriminating weapon. Those were sufficient, in the ordinary course of nature, to cause death of the deceased. Thus, there is, corroboration by the above circumstances as to, prima facie, role of the applicant in the alleged incident.

9. Perusal of FIR and statements of witnesses, the role of applicant is quite overt in inflicting blows of knife upon the deceased. The statements of witnesses recorded under Section 164 of the CrPC also corroborate the role and complicity of the applicant in the alleged offence. The report of post-mortem examination specifically indicates that the nature of injuries corresponding to contents in FIR vis-a-vis statement of witness Vivek.

10. In view of the peculiar facts and circumstances and owing to specific overt act attributed against the applicant, no case is made out to enlarge the applicant on bail.

11. In that view of the matter, the application deserves to be rejected. Accordingly, the same is **rejected**.

**(SACHIN S. DESHMUKH, J.)**

*Omkar Joshi*