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

BAIL APPLICATION NO.2339 OF 2024

Sandip S/o Sadashiv Gaikwad,
Age: 36, Occu.: Agriculture,
R/o. Bori, Tq. Ambad,
Dist. Jalna.

... Applicant

Versus

The State of Maharashtra
(Through Taluka Jalna Police
Station, District Jalna)

... Respondent

WITH

CRIMINAL APPLICATION NO.534 OF 2025 IN BA/2339/2024

Rajendra S/o. Dattatraya More,
Age: 48 years, Occu.: Agri.,
R/o. Golapannagari,
Tq. & Dist. Jalna.

... Applicant

Versus

1. Sandip S/o Sadashiv Gaikwad,
Age: 36, Occu.: Agriculture,
R/o. Bori, Tq. Ambad,
Dist. Jalna.

2. The State of Maharashtra
Through Police Station Jalna
Taluka, District Jalna.

... Respondents

.....

Mr. Nilesh S. Ghanekar, Advocate for Applicant
Mr. S.B. Narwade, APP for Respondent – State
Mr. P.P. More, Advocatae for Informant

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CORAM : ABHAY S. WAGHWASE, J.
RESERVED ON : 19 MARCH 2025
PRONOUNCED ON : 20 MARCH 2025

PER COURT :-

1. This is regular bail application on account of arrest of the applicant in Crime No.513 of 2024, registered at Taluka Jalna Police Station, District Jalna for offences under Section 103(1), 238, 283, 3(5) of Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Criminal Application No.534 of 2025 is filed by the informant seeking permission to assist the Public Prosecutor. Permission is granted. The said application is allowed and disposed of.

3. Learned counsel for the applicant submitted that there is false implication without any foundation or incriminating material. He submitted that applicant is arrested on 12.08.2024. That, alleged occurrence is of 09.08.2024. That, FIR is on suspicion. That, cause of death is staid to be head injury. That, nobody has seen applicant to be in the company of deceased. That, only piece of evidence, which is tried to be connected is footwear and some blood stains in the vehicle, which is never shown to be in possession of the applicant. That, now investigation is over, and charge-sheet is filed in November 2024

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itself, i.e. almost five months back. That, neither case is committed nor charge is framed, and therefore, learned counsel urges for grant of bail.

4. Learned APP as well as learned counsel for assist to APP both have opposed on the ground that involvement of the applicant has emerged on thorough investigation. That, applicant was named in the FIR. Learned counsel appearing for informant pointed out that, circumstances at the scene of occurrence were carried by applicant on his person i.e. on his clothes. That, applicant had motive. Moreover, learned APP as well as learned counsel for informant pointed out that bloodstains are recovered from vehicle. Thus, according to them, with such material material on record, there is every possibility of misuse of liberty for tampering as deceased and applicant being in relation, they both opposed the application.

5. Heard. Perused the FIR. Informant Rajendra More reported police that he has two sons, namely; Yogesh (deceased) and Sham. His deceased son had taken Hyva truck on finance and had further handed over it to maternal uncle's son Sandip Gaikwad (present applicant) for running it on hire basis. It is reported that, installments of finance are required to be paid

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regularly, and therefore, his deceased son was calling the applicant to enable him to pay the installment, but applicant was avoiding. On 09.08.2024, informant claims that in his presence, his deceased son called applicant and demanded money, and further claims to have heard from his son that present applicant had called to meet him at Bori, and therefore, his son left on motorcycle. Informant claims that, on next day, he received a call informing him that his son was found injured near Antarwali *Phata*. After last rituals, he lodged report naming the present applicant for committing murder of his son in the backdrop of monetary transaction.

6. Admittedly, case is based on circumstantial evidence. Only circumstances, which are pressed into service by investigating machinery are footwear and bloodstains in the vehicle. The said vehicle allegedly handed over in possession of the present applicant. Taking into consideration the above fact that entire case is based on circumstantial evidence and when investigation is over, and charge-sheet is filed in November 2024 itself, and applicant is said to be behind bars since almost eight months, and no further purpose is shown to be achieved by further detaining the applicant, application deserves to be allowed by imposing conditions. Hence, the following order:

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ORDER

- (i) Application is allowed.
- (ii) Applicant Sandip S/o Sadashiv Gaikwad,, be released on bail in connection with Crime No.513 of 2024, registered at Taluka Jalna Police Station, District Jalna on executing Personal Bond of Rs.15,000/- with one surety in the like amount on following conditions:
- [a] The applicant shall not tamper prosecution evidence.
- [b] The applicant shall not vicinity of Gopalnagari, Tq. & Dist. Jalna, till conclusion of trial.
- [c] The applicant shall not leave the area of jurisdiction of the concerned police station till conclusion of trial.
- [d] The applicant shall attend the concerned police station twice in every week i.e. on every Monday and Thursday between 10:00 a.m. to 02:00 p.m., and maintain personal diary of his attendance till committal of case and thereafter, shall regularly attend each and every effective date before the trial court.

ABHAY S. WAGHWASE,
JUDGE