

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1827 OF 2025

Sunil @ Gatray Nagu Gaikwad ... Applicant

Vs.

The State of Maharashtra ... Respondent

Mr. Aniket Vagal a/w Mr. Juhi Kadu, Ms. Savvy Kolhekar, Mr. Kunal Pednekar, Advocate for the Applicant.

Mr. A. A. Palkar, APP for Respondent/State.

CORAM : ASHWIN D. BHOBE, J.

DATE : 18th AUGUST, 2025.

P.C. :

1. Heard Mr. Aniket Vagal, learned Advocate for the Applicant and Mr. A. A. Palkar, learned APP for the State.

2. By the present Application, Applicant is seeking bail in Crime No. I-249 of 2024 registered with Gangapur Police Station for the offences punishable under Sections 103(1), 238 and 3(5) of the BNS. Said crime is registered as Sessions Case No.30 of 2025 and is pending before the Court of the Additional Sessions Judge, Nashik.

3. There are 3 Accused in the present crime. Applicant is Accused No. 1.

4. Case of the prosecution is that on account of a previous dispute, which took place on 30th August, 2024, Applicant and Vikas Santosh Gaikwad (Accused No.2) assaulted Pandaya Gaikwad (deceased) with a wooden stick and committed his murder. Dead body of deceased Pandaya Gaikwad was then put in an auto rickshaw and thrown at an isolated place.

5. Applicant was arrested on 10th August, 2024. Bail Application at Exhibit-13 filed by the Applicant in Sessions Case No. 30 of 2025 was dismissed by the Additional Sessions Judge, Nashik, vide order dated 27th March, 2025.

6. Mr. Aniket Vagal, learned Advocate for the Applicant, submits that there is no material on record to implicate the Applicant in the present crime. He submits that the Applicant has been implicated merely on the basis of a statement made by co-accused Vikas Santosh Gaikwad (Accused No.2). He refers to the post-mortem report to submit that there are no bodily injuries caused to Vikas Santosh Gaikwad. He submits that Accused No.2 and Sahil Shinde (Accused No.3) have been released on bail by the Sessions Court and this Court respectively. He tenders copies of the orders dated 1st August, 2025 passed on Exhibit-23 in Sessions Case No. 30 of 2025 and order dated 7th April, 2025 passed in Criminal Bail Application No. 1005 of 2025, same are taken on record and marked 'X' colly for identification.

7. Mr. A. A. Palkar, learned APP for the State, submits that the Applicant has been arrayed as an Accused on the basis of the statement made by co-accused Vikas Santosh Gaikwad. He submits that the recovery of the wooden log has been made at the instance of Sahil Shinde (Accused No.3). He submits that the Applicant has criminal antecedents.

8. In rejoinder, Mr. Aniket Vagal, learned Advocate for the Applicant, states that the antecedents referred to by the learned APP for the State do not pertain to bodily offences. He submits that there is no material on record against the Applicant, as such the Applicant having antecedents would not be sufficient for denial of bail to the Applicant.

9. Perused the records with the assistance of the learned Advocates.

10. Perusal of the charge-sheet reveals that the material against the Applicant is a statement made by the co-accused Vikas Santosh Gaikwad (Accused No.2). Apart from the statement of the co-accused, there is no other material against the Applicant. The incident alleged is dated 30th August, 2024. The FIR was registered on 10th October, 2024. No explanation is offered for the delay in registration of the FIR.

11. Considering the nature of allegations and material on record, prima facie the complicity of the Applicant in the present crime is not established. Accused Nos.2 and 3 have been released on bail. Applicant is in jail since 10th October, 2024.

12. Mr. Aniket Vagal, learned Advocate for the Applicant, on instructions from the Applicant, submits that the Applicant shall not enter the jurisdiction of District Nashik till the conclusion of trial of Sessions Case No. 30 of 2025, except for attending the dates of hearing. Statement is accepted.

13. In view of the above, the present Bail Application is allowed, on the following conditions:-

(a) Applicant is directed to be released on bail in connection with Crime No.I-249 of 2024, registered with Gangapur Police Station, Nashik, upon furnishing P.R. Bond in the sum of Rs.50,000/- with one or two local sureties in the like amount, to the satisfaction of the Additional Sessions Judge, Nashik.

(b) Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade such person from disclosing the facts to the Court or any police officer and should not tamper with evidence.

(c) Applicant upon release, within 3 days shall furnish to the Investigating Officer, Gangapur Police Station, Nashik, his residential addresses with proof and the contact numbers and to keep the Investigation Officer intimated about the change in the same from time to time.

(d) Applicant shall not enter the territorial jurisdiction of Nashik District till the conclusion of Sessions Case No.30 of 2025 except for appearing for the hearings.

(e) Applicant shall co-operate in the conduct of the trial and shall regularly attend the hearing of Sessions Case No. 30 of 2025 pending on the file of Additional Sessions Judge, Nashik, on each and every date, unless exempted from appearance.

14. Criminal Bail Application No. 1827 of 2025 is disposed off in the abovesaid terms.

(ASHWIN D. BHOBE, J.)