

Shivgan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3067 OF 2025**

Sadham Laxman Gaikwad	...Applicant
<i>Versus</i>	
The State Of Maharashtra	...Respondent

Mr Yuvraj Narwankar, a/w Mayur Mohite, Jayesh Bhosale, Veertej Patil and Ravi Uikey, for the Applicant.
Mrs Manisha R. Tidake, for the Respondent-State.
Mr. Khandagale API attached to Santacruz Police Station, is present

CORAM Dr. Neela Gokhale, J.
DATED: 8th September 2025

PC:-

1. The Applicant seeks his release on bail in connection with the FIR No.352 of 2025 dated 17th April 2025 registered with Santacruz Police Station, Brihanmumbai City for the offences punishable under Sections 140(2) and 3(5) of the Bharatiya Nyaya Sanhita ('BNS'), 2023.

2. Heard Mr. Yuvraj Narwankar, learned counsel for the Applicant and Mrs. Manisha Tidke, learned APP, representing the State.

3. Mr. Narwankar, learned counsel, says that the First Informant and the Applicant were engaged in offering valet parking services at hotel 'Mercii'. According to Mr. Narwankar, there was some dispute between the parties pertaining to the payments from the hotel. The First Informant has alleged that on 22nd March 2025, the Applicant telephoned him and called him near the IDFC Bank, St. Lawrence School, Linking Road, Santacruz (West), Mumbai. The First Informant parked his car and sat in the car of the Applicant. It is further mentioned in the FIR that the Applicant along with 3 other co-accused persons drove the First Informant in the car to another location and threatened him. It is also alleged that he was given threats of death and also told not to inform the police of the said incident. He was let off after sometime with the said threats. The First Informant thereafter registered the FIR.

Pursuant to the same, the Applicant was arrested on 17th April 2025. He is in custody for the past 5 months.

4. Mr. Narwankar, learned counsel for the Applicant, has drawn my attention to the order dated 19th June 2025 passed by this Court in Bail Application No.2073 of 2025. Vide the said order, the Bail Application earlier filed by him, was dismissed as withdrawn with liberty to apply before the Sessions Court once the charge-sheet was filed. Thereafter, the Applicant applied to the Sessions Court seeking bail. By order dated 24th July 2025, the said Bail Application was rejected and hence, he has filed the present Bail Application.

5. Mrs. Manisha Tidke, learned APP on instructions of the Investigating Officer, who is present in the Court, submits that the charge-sheet is filed on 9th July 2025. The learned APP contests the Bail Application on the ground that the co-accused are absconding and have not yet been found. However, she agrees that the Applicant does not have any antecedents.

6. Mr. Narwankar has tendered a decision of the Supreme Court in *Munshi Sah v. The State of Bihar & Anr.*¹ wherein it is observed that '*the question of grant of bail to a co-accused person cannot made dependent upon surrender of another accused who is described as the main accused person in this case.*'

7. Considering that the charge-sheet is already filed and the Applicant does not have any antecedents, a case for the bail is made out. The present Bail Application is, therefore, allowed and it is directed as under:

ORDER

- i) The Applicant be enlarged on bail, on executing PR Bond in the sum of Rs.50,000/ with one or two local sureties in the like amount;
- ii) The Applicant is permitted to furnish provisional cash bail of Rs.50,000/- for his release

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immediately and file undertaking that he will provide one or two sureties in the like amount of Rs.50,000/- within a period of four weeks after his release, which shall be accepted by the Investigating Officer. The Applicant shall provide the sureties as directed;

iii) The Applicant shall attend the trial Court concerned, on each and every date unless specifically exempted by an order of the Trial Court;

iv) If the Applicant has not deposited the passport, the Applicant shall deposit the same with the concerned Police Station;

v) The Applicant shall not leave India, without the permission of the trial Court;

vi) The Applicant shall not tamper or attempt to influence or contact the complainant, witnesses or any person concerned with the case;

vii) The Applicant shall inform his latest place of residence and mobile contact number immediately after being released and / or change of residence or mobile details, if any, from time to time to the Court seized of the matter and to the Investigating Officer of the concerned Police Station;

viii) The Applicant to co-operate with the conduct of the trial;

ix) Any infraction of the aforesaid conditions shall entail cancellation of bail.

8. Application is allowed in the above terms and is accordingly disposed of.

9. It is made clear that the observations made herein are *prima facie* and are confined to this Application and the learned Judge to decide the case on its own merits, uninfluenced by the observations made herein.

10. All parties to act on an authenticated copy of this order.

(Dr. Neela Gokhale, J)

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