

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

Anticipatory Bail Application No.456 of 2025

Jayajirao @ Anil Sambhajirao Gaikwad

Aged: 60 yrs, Occ: Agriculturist

R/of Sansar, Tal-Indapur,

Dist. Pune

... Applicant.

Vs.

The State of Maharashtra

(Walchnadnagar Police Station,

Pune.)

... Respondent.

Mr Ganesh Bhujbal a/w Tushar Nikam and Mr BD Shinde
for the applicant.

Mr SS Pednekar, APP for the respondent / State.

PSI Vijay Telkikar, Walchandnagar police station.

Coram : R.N.Laddha, J.

Date : 21 July 2025.

P.C. :

By this application, the applicant seeks pre-arrest bail in connection with CR No.05 of 2025, registered at Walchandnagar Police Station, Pune (Rural), for offences punishable under Sections 118(2), 351(2), 351(3), 352 read with 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. It is the case of the prosecution that on 6 January

2025, while the informant was returning to his residence on a motorcycle, three unidentified individuals attacked him using an iron rod. The informant has expressed suspicion that this assault was instigated by the applicant and his son. The suspected motive behind the attack was an ongoing dispute between the parties concerning the use and distribution of water from a well located in their agricultural field.

3. The learned counsel appearing on behalf of the applicant submits that it is an admitted position that the applicant was not present at the scene of occurrence at the relevant time when the alleged assault on the informant was committed by the co-accused. The applicant has not been attributed with any overt act of assault, nor is there any allegation suggesting that he was armed or used any weapon during the commission of the alleged offence. Furthermore, there is no material on record indicating that the applicant had entered into any criminal conspiracy or had instigated or abetted the commission of offence, particularly, in relation to the giving any contract for the alleged assault or attempted murder of the informant. The specific allegation of having given a contract for such an act has been made

against the applicant's son, who has already been arrested in connection with the present crime and subsequently released on bail by the competent Court. The learned Counsel further submits that the investigation in the present matter has already been concluded, and nothing is to be recovered or discovered from the applicant.

4. On the contrary, the learned APP representing respondent/ State submits that the offence is of a grave and serious nature, involving criminal conspiracy and attempted culpable homicide. The learned APP contends that the present applicant, along with his son, entered into a criminal agreement by awarding a contract to the co-accused for the purpose of eliminating the informant, who was subsequently assaulted by the co-accused. However, the learned APP, on instructions from the investigating officer, fairly concedes that the investigation in the present crime has been completed, and nothing is to be recovered or discovered from the applicant. The prosecution is presently in the process of filing of the charge sheet.

5. Upon perusing the records, it appear that the applicant has neither been named as an assailant nor was he present

at the scene of the incident. The only allegation attributed to the applicant stems from the informant's suspicion that the assault by the co-accused was instigated at the behest of the applicant. However, the investigation papers, including the statements of the witnesses recorded during the investigation suggest that the alleged conspiracy or contract to eliminate the informant was purportedly entered into by the son of the present applicant, who has already been arrested and subsequently released on bail. Apart from a vague and unsubstantiated reference in the FIR, wherein the informant casts suspicion on the applicant due to an antecedent dispute over a water source (well) between the applicant and the informant, there is nothing on record linking the applicant with the commission of the offence in question. Furthermore, the investigation in the present matter has already concluded, and the prosecution is in the process of filing the charge sheet. The apprehension of the prosecution that the applicant may tamper with the evidence or influence the witnesses can be taken care of by imposing appropriate conditions.

6. In light of the foregoing, this Court deems it appropriate to allow the application. Accordingly the

application is allowed on the following terms.

ORDER

(i) In the event of the applicant's arrest in connection with CR No.05 of 2025, registered at Walchandnagar Police Station, Pune (Rural), he shall be released on bail upon executing a PR Bond of Rs.25,000/- and furnishing one or more sureties in the like amount.

(ii) The applicant shall attend the concerned police station as and when required by the investigating officer till filing of the charge sheet.

(ii) The applicant, himself or through any other person, shall not indulge in any activities that may tamper with the evidence or influence witnesses.

7. The application stands disposed of accordingly.

[R. N. Laddha, J.]