



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

ANTICIPATORY BAIL APPLICATION NO. 889/2025

KRUSHNA NATHA GAIKAR ..APPLICANT
VS.
STATE OF MAHARASHTRA & ANR. ..RESPONDENTS

Adv. R. D. Suryawanshi for applicant.

Adv. Vikas Shivarkar a/w. Adv. Devidas Botkondle for respondent
no.2.

PSI Y. B. Kadam, Kulgaon Police Station, Thane Rural.

CORAM : RAJESH S. PATIL, J.

DATE : APRIL 21, 2025.

P.C. :

1. This application is filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for seeking pre-arrest bail in connection with the First Information Report (FIR) No.130/2024 registered with the Kulgaon Police Station, Thane Rural, for the offence punishable under Sections 109(1), 137(2), 115(2), 352, 351(2), 351(3), 189(2), 191(2), 191(3), 190 of the Bhartiya Nyaya Sanhita, 2023.

2. On the basis of the complaint, an FIR has been lodged. The role of the applicant has been mentioned therein. There are in all

eight accused persons, out of them five accused persons have been granted bail. The present applicant is accused no.2. The present applicant had filed pre-arrest bail application before the Court of the Sessions and the said pre-arrest bail application was rejected. Thereafter, second pre-arrest application was filed. The same was not entertained by the Sessions Court as the Court was of the view that there was no change in the circumstances. Thereafter, the present pre-arrest bail application is filed for the first time before this Court. The applicant has relied upon the statements of three independent witnesses which formed part of the present anticipatory bail application at page 68, 69 and 70. All three independent witnesses state that there was iron rod in the hand of Sachin Gaikar. The said Sachin Gaikar has been released on regular bail by the Sessions Court.

3. The learned APP and the learned counsel appearing for respondent no.2 opposed the present application. They mainly relied upon the statement of the injured who according to them has clearly in his statement recorded on 2/12/2024 stated that it was the present applicant who hit him by iron rod on his head.

4. On behalf of the applicant it is submitted that the statement of

the victim cannot be relied upon since the victim states that the incident occurred on 6/7/2024. Similarly, if one goes through the complaint which is part of the present FIR again the date of the incident is stated as 6/7/2024. Similarly, on page 60 is the letter written by the concerned police station dated 10/8/2024 to the Medical Officer of the Dhanlaxmi Hospital, Badlapur. According to the complainant, who is son of the victim, the incident in fact occurred on 6/10/2024. In my view, therefore, a letter could not have been written on 10/8/2024 by the concerned police station to the Medical Officer of Dhanlaxmi Hospital, Badlapur. The independent three witnesses have mentioned the date of the incident as 6/10/2024.

5. Considering the fact that the main document relied upon by the learned APP and the complainant is of a statement of the victim itself is not clear on which date the incident occurred. Therefore, considering these facts and the fact that there are no criminal antecedents reported against the present applicant, therefore, the applicant needs to be protected. Hence, the present anticipatory bail application needs to be allowed. Hence, the following order.

ORDER

- (a) **The anticipatory bail application is allowed.**
- (b) In the event of arrest in connection with FIR No.130/2024 registered with the Kulgaon Police Station, the applicant shall be released on bail, on furnishing P.R. bond to the extent of Rs.30,000/- with one or two sureties of the like amount.
- (c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him from disclosing the facts to Court or any Police Officer and shall not tamper with evidence.
- (d) The applicant shall furnish details of his residential address, contact numbers and email address to the Investigating Officer.
- (e) The applicant shall attend the concerned police station and meet the IO in every week on Monday between 11.00 a.m. to 1.00 p.m. till the filing of the charge-sheet.
- 6.** Needless to say that violation of any of the aforesaid conditions would make the applicant liable to face proceedings for cancellation of this anticipatory bail. It is also clarified that the observations made in this order are limited to the question of grant of anticipatory bail to the applicant in the present application and that the trial Court

shall proceed further, without being influenced by the observations made in this order.

7. The anticipatory bail application is disposed of.

(RAJESH S. PATIL, J.)