

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
ANTICIPATORY BAIL APPLICATION NO.3354 OF 2025**

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|--------------------------|---------------|
| Nitin Sunil Gaikwad      | ...Applicant  |
| <i>Versus</i>            |               |
| The State of Maharashtra | ...Respondent |

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Mr. Vikas Shivarkar, for the Applicant.  
Ms. S. M. Yadav, APP, for the Respondent-State.  
Mr. J. S. Pansare, GPSI, attached to Shikrapur Police Station, Pune,  
present.

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**CORAM: MADHAV J. JAMDAR, J.  
DATED : 5<sup>th</sup> DECEMBER 2025**

**PC:-**

1. Heard Mr. Shivarkar, learned Counsel appearing for the Applicant and Ms. Yadav, learned APP appearing for the Respondent-State.

2. This application is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in connection with C.R. No.629 of 2025 registered with Shikrapur Police Station, Pune, for the offences punishable under Sections 352, 351(3), 351(2), 333, 324(4), 3(5), 118(1) and 115(2) of the Bharatiya Nyaya Sanhita, 2023 (“**BNS**”).

3. The prosecution case is set out in paragraph No.2 of the order dated 13<sup>th</sup> November 2025 passed by the learned District Judge-1 and Additional Sessions Judge, Pune in Criminal Bail Application No.6855 of 2025. The said paragraph No.2, reads as under:

*“2. Afore crime emerged from report dated 26/09/2025 lodged by the informant Sonali Gaikwad, alleging therein that the applicants are her cousin father in law and brother in law respectively and they are residing within the Kondhapuri vicinity. Her husband is running a transport business at Kondhapuri. It is alleged that on 26/09/2025 at around 01:50 p.m., when she was busy in cooking, at that time, applicants trespassed in her house and started hurling abuses. At that time, both applicants dragged her out of house and applicant No.2 Nitin assaulted her with fist and kicks. It is further alleged that accused hurled stones in her house and break kitchen windows. It is alleged that applicant No.2 Nitin has inflicted stone and caused head injury. At that time, her husband arrived and rescued the informant. Thereafter, applicants hurled abuses and assaulted her husband too, and flee away. Thereafter, she was rushed to Rakshak Hospital and during her treatment, her statement was recorded. On the basis of her statement, afore crime is registered.”*

4. It is the submission of Mr. Shivarkar, learned Counsel appearing for the Applicant that the family meeting took place to resolve certain issues and the incident in question has taken place. He submits that there are no antecedents against the Applicant. He submits that there is no motive to commit the crime. He submits that only offences under Sections 333 and 118(1) of the BNS are non-

bailable. There is nothing to indicate that the Applicant is involved in the commission of offences under Sections 333 and 118(1) of the BNS.

5. On the other hand, Ms. Yadav, learned APP strongly opposes the Anticipatory Bail Application. She submits that the incident in question is very serious. The Applicant is involved in the crime and the Applicant has assaulted the injured by stone. She submits that the injury is very grievous. She further submits that there is one antecedent of the year 2013 and therefore, the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that the incident in question has taken place on a spur of moment. The Applicant is cousin brother-in-law of the First Informant who is injured. Perusal of the record shows that the incident in question has taken place on spur of moment and no weapon as such is used. As the assault is by fists and blows and by stone, although there is one antecedent of the year 2013, by imposing stringent conditions, the Applicant can be granted pre-arrest bail.

7. Mr. Shivarkar, learned Counsel appearing for the Applicant, on instructions, submits that as the First Informant and the

Applicant are staying in the same village, the Applicant will not enter village -Kondhapuri, Taluka Shirur, District-Pune till filing of the charge-sheet and that the Applicant will reside with his father-in-law- Sahebrao Raghunath Mane, At Post-Kauthe, Taluka-Shrigonda, District-Ahilya Nagar till filing of the charge-sheet.

8. Accordingly, the case is made out for grant of Anticipatory Bail. In view thereof, the following order is passed:

**ORDER**

- (a) In the event of arrest of the Applicant-Nitin Sunil Gaikwad in connection with C.R. No.629 of 2025 registered with the Shikrapur Police Station, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.30,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall not enter village- Kondhapuri, Taluka-Shirur, District-Pune, till filing of the charge-sheet, except for reporting to the Investigating Officer, if called.
- (c) The Applicant shall attend the Shikrapur Police Station, Pune, on 11<sup>th</sup> December 2025 and 12<sup>th</sup> December 2025 between 11:00 a.m. to 01:00 p.m. and

shall co-operate with the investigation.

- (d) The Applicant shall report to Shrigonda Police Station, Taluka- Shrigonda, District – Ahilya Nagar once in 15 days i.e. on 1<sup>st</sup> and 3<sup>rd</sup> Sunday of each month between 11.00 a.m. and 1.00 p.m. till filing of the charge-sheet. The Police Inspector of Shrigonda Police Station, Taluka- Shrigonda, District – Ahilya Nagar to communicate details thereof to the Investigating Officer.
- (e) The Applicant shall furnish his cell phone number and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (f) The Applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade such a person from disclosing the facts to the Court or to any Police personnel.
- (g) The Applicant shall not tamper with the prosecution evidence and shall not contact or influence the Complainant or any witness in any manner.
- (h) The Applicant shall not leave India without prior permission of the Court.

9. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

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