

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3367 OF 2025

1. Mr Mukesh Msau Gaikwad	...Applicants
2. Mr. Gani Jamal Mulani	
<i>Versus</i>	
State of Maharashtra	...Respondent

Mr. Harshwardhan Karande, Advocate for Applicant.
Ms. S.K. Gajre, APP for the State.

CORAM: MADHAV J. JAMDAR, J.
DATED : 9th December 2025

P.C.:

1. Heard Mr. Karande, learned Counsel appearing for the Applicant and Ms. Gajre, learned APP for the State.

2. By this application filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), the Applicant is seeking pre-arrest bail in connection with C.R. No.280 of 2025 registered with Wanawadi Police Station, Pune City, for the offences punishable under Sections 118(2), 3(5), 351(2), 351(3) and 352 of the Bharatiya Nyaya Sanhita, 2023 ("BNS").

3. The prosecution case is set out in paragraph No.2 of the Order dated 6th October 2025 passed by the learned Additional

Sessions Judge, Pune in Criminal Bail Application No. 6267 of 2025, which reads as under :

“2. The case of the prosecution, in short, is that on 4/7/2025, at about 08.15 p.m., complainant’s Aniket @ Ganesh accosted the applicant/ accused Kaka, Mukesh and Gani while they were urinating in front of their building. Getting annoyed by the same, in furtherance of their common intention, all the applicants/ accused assaulted Aniket @ Ganesh. In the said assault, applicant/accused Kaka got an iron rod from his rickshaw and assaulted Aniket @ Ganesh on his face. Applicants/accused Mukesh and Gani assaulted with hands and abused him. On the basis of these allegations, the present FIR came to be lodged.”

4. It is the submission of Mr. Karande, learned Counsel for the Applicant that the only role attributed to the present Applicants is that the Applicants assaulted the injured with fists and kicks and there is no other role. He submits that the main allegations are against Accused No.1 – Kakasaheb Shirole, who is not the Applicant.

5. Mr. Karande, learned Counsel submits that the Applicant No. 2- Gani Jamal Mulani has no antecedents and as far as Applicant

No.1– Mukesh Msau Gaikwad is concerned, there is one antecedent of the year 2016.

6. Ms. Gajre, learned APP strongly opposes the Application. She submits that the Applicants are involved in the crime and the Applicants are connected with main accused- Kakasaheb Shirole against whom there are 9 antecedents. She submitted that the Anticipatory Bail Application be rejected.

7. Perusal of record shows that the only role attributed to the present Applicants is that they have assaulted the injured with fists and kicks. Although, there is one antecedent against the Accused No.2, the same is of the year 2016.

8. Learned Counsel for the Applicants submits that the Applicants will co-operate with the investigation. Accordingly, by imposing conditions, the case is made out for grant of Anticipatory Bail to the the Applicants. Hence, following Order is passed:

ORDER

- (i) In the event of arrest, the Applicants- 1) Mr Mukesh Msau Gaikwad and 2) Mr. Gani Jamal Mulani be released on bail in C.R. No.280 of 2025 registered with Wanawadi Police Station, Pune City, on executing

P.R. bond of Rs.50,000/- each and furnishing one or two solvent sureties in the like amount.

- (ii) The Applicants shall attend the concerned Police Station once in a week i.e. on every Sunday between 11.00 a.m. to 1.00 p.m. and shall co-operate with the investigation.
- (iii) The Applicants shall furnish their cell phone numbers and residential address to the Investigating Officer and shall keep the same updated, in case of any change thereto.
- (iv) The Applicants 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.
- (v) The Applicants shall not leave India without prior permission of the Court.

(vi) The Applicants shall not tamper with the prosecution evidence and shall not contact or influence the Complainant, or any witness, in any manner.

9. The Anticipatory Bail Application is allowed and disposed of accordingly.

BHALCHANDRA
GOPAL
DUSANE

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(MADHAV J. JAMDAR, J.)