

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
ANTICIPATORY BAIL APPLICATION NO.3551 OF 2025**

Akshay Dipak Gaikwad
Versus
The State of Maharashtra

...Applicant

...Respondent

Mr. Vaibhav V. Ugle, for the Applicant.
Mr. S. M. Mangaonkar, APP, for the Respondent-State.
Mr. Amol M. Talape, Police Constable, attached to Rajgad Police
Station, Pune Rural, Pune, present.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 23rd DECEMBER 2025**

PC:-

1. Heard Mr. Ugle, learned Counsel appearing for the Applicant and Mr. Mangaonkar, 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.313 of 2025 registered with Rajgad Police Station, Pune Rural, Pune for the offences punishable under Sections 333, 118(1), 352, 351(2), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 4 and 25 of the Arms Act, 1959 and Section 92 of the Rights of Persons with Disabilities Act, 2016.

3. The prosecution case is set out in paragraph Nos.2 and 3 of the order dated 17th October 2025 passed by the learned Additional Sessions Judge, Pune in Criminal Bail Application No.6282 of 2025, which reads as under:

“2] Prosecution case is that on 14.08.2025 at about 4.30 p.m., occurrence took place. The complainant Nitin Pandurang Kolpe is handicapped, having disability card. He is residing alone

3] On the date of occurrence, the applicant along with one other had come to his house and assaulted him on his both legs, with the help of wooden stick. He asked to handover the shop to him. ON his refusal he assaulted him. He shouted. Neighbourers came there. He threatened him. He knew that he is handicapped and disabled person, then also assaulted him, and abused him in filthy language. He went to Rural Hospital, Bhore, thereafter Siddhivinayak Hospital, Nasrapur and at Sassoon General Hospital, Pune and lodged complaint on 17.08.2025.”

4. It is the submission of Mr. Ugle, learned Counsel appearing for the Applicant that even as per the prosecution case, the Applicant has assaulted the injured with stick. He submits that co-accused who was having sickle has been arrested and released on bail. He submits that although there are three antecedents, in one antecedent, the Applicant has been acquitted and in two antecedents, he has been released on bail.

5. Mr. Mangaonkar, learned APP strongly opposes the Anticipatory Bail Application. He submits that the injured is handicap person and just to get vacant possession of the premises in question, the Applicant and the co-accused have assaulted the injured. He submits that the offence is very serious, therefore, the custodial interrogation of the Applicant is necessary. He further submits that as there are three antecedents, the Anticipatory Bail Application be rejected.

6. Perusal of the record shows that the only role which has been attributed to the present Applicant is that he has assaulted the injured with stick. The co-accused who assaulted the injured with sickle has been arrested and granted regular bail. Thus, the case is made out for grant of Anticipatory Bail.

7. However, there are three antecedents, stringent conditions are required to be imposed.

8. As there are three antecedents including under Section 302 of the Indian Penal Code, 1860, Mr. Ugle, learned Counsel, on instructions of the Applicant, submits that the Applicant will stay outside Pune District and that the Applicant will stay with relative-

Santosh R. Chawan, At Post-Bholi, Taluka-Khandala, District-Satara.

9. 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-Akshay Dipak Gaikwad in connection with C.R. No.313 of 2025 registered with the Rajgad Police Station, Pune Rural, Pune, the Applicant is directed to be released on bail on his furnishing P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (b) The Applicant shall attend the Rajgad Police Station, Pune Rural, Pune on 26th December 2025 between 11:00 a.m. to 02:00 p.m. and shall cooperate with the investigation.
- (c) The Applicant shall not enter the Pune district, except for reporting to the Investigating Officer and for attending the trial.
- (d) The Applicant shall attend the Shirwal Police Station, District-Satara, on every Sunday between 11:00 a.m. to 02:00 p.m..

- (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.

10. The Anticipatory Bail Application is disposed of accordingly.

[MADHAV J. JAMDAR, J.]

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.12.24
18:17:01
+0530