IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1858 OF 2026

RAVI DNYANESHWAR SALUNKE
VERSUS
THE STATE OF MAHARASHTRA

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Ms.Avantika Kharade a/w Mr.Rahul Karpe, Advocate for Applicant
Mr S. D. Ghayal, APP for Respondent – State

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CORAM : HITEN S. VENEGAVKAR, J.

DATED : 2nd NOVEMBER, 2026

PER COURT :

1. Heard learned Advocate for the applicant and the learned APP for the respondent – State.

2. The present application is for regular bail of the applicant, who was arrested on 18.05.2026 in connection with FIR bearing Crime No. 404 of 2026 registered with Kotwali Police Station, District Ahilyanagar, for the offences punishable under Sections 109, 115(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita (BNS) and under Sections 3 read with 25 of the Arms Act.

3. The prosecution story, in brief, is that the accused and the informant were previously known to each other as they were friends. On the date of the incident, when the applicant was sitting

in his house with his friend, his father sent him to a medical shop. Near the medical shop, the present applicant along with the other co-accused accosted the informant and raised a quarrel with him. During the said quarrel, the present applicant is alleged to have pulled out his gun and pointed it at the informant with an intention by giving a threat of killing him. Because of the gun, the informant started raising a hue and cry, hearing which his family members, along with his father, wife and niece, came to the spot. They tried to pacify the quarrel, and the father of the informant snatched the gun from the present applicant. The present applicant thereafter is alleged to have assaulted the informant with fist and kick blows. Thereafter, the applicant is also alleged to have threatened the family members of the informant and, after assaulting them with hand and kick blows, the applicant along with the co-accused left the place. Due to the said assault, the informant reported the incident to the police station, which culminated in to registration of the present offence. As there is an allegation of the use of a gun at the instance of the present applicant, pointing it at the head of the informant, the offence is registered under Section 109 of the BNS along with other sections of the Arms Act.

4. It is the argument of the learned Advocate for the applicant that even if we go by the prosecution story, apart from

the fact that the present applicant pulled out the gun and pointed it at the head of the informant, the actual assault is only by fist and kick blows. The gun has not been used and there is nothing to suggest that the applicant had any intention of using the gun and firing it at the informant. The allegation shows that it was used only to threaten. The assault has not resulted in any kind of injury to the informant or to any of his family members or to the friend of the informant. Thus, there is no injury certificate on record. She argues that the ingredients of Section 109 will not be attracted merely by showing or pointing a gun at a person without using the same. She further submits that the other co-accused, who accompanied the applicant at the time of the assault, has already been released on bail by this Court by order dated 29.07.2026 in Bail Application No. 1326 of 2026. She submits that, taking into consideration the custody of the applicant from 18.05.2026 till date, the fact that the investigation is complete and the charge-sheet has been filed, no further necessity for custodial interrogation of the applicant is warranted. She prays that the applicant be released on bail.

5. Learned APP appearing for the respondent - State, however, opposes the present application by stating that the allegation against the present applicant is specific. There are

serious allegations against the present applicant of pulling out the pistol, loading it and pointing it at the head of the informant. It is due to the good faith of the informant that the father of the informant intervened and snatched the gun, otherwise, the incident would have been aggravated. He submits that there are six antecedents to the credit of the present applicant and, therefore, the present applicant falls in the category of a hardened criminal. Taking into consideration the overall material against the present applicant, the role ascribed to him and the use of the gun, along with the criminal antecedents of the applicant, he submits that this is not a fit case where the applicant be released on bail. He prays for rejection of the application.

6. I have heard the learned Advocates for the parties and have also perused the entire charge-sheet. No doubt, the allegations against the present applicant are more specific and direct as compared to that of the co-accused who is released on bail. The more serious allegation against the present applicant is the use of the gun, pointing it at the head of the informant. The gun was snatched by the father of the informant. The intention of the applicant, whether to use that gun and aggravate the offence, and whether he had any motive to kill the informant, are matters on which the prosecution will have to lead evidence before the Trial

Court. Going through the entire material of the charge-sheet, the only inference that can be drawn is that there was an assault at the behest of the present applicant by fist and kick blows and nothing beyond that. The learned Advocate for the applicant is right in saying that the assault by fist and kick blows has not resulted in any kind of injury; even there is no simple injury caused, and therefore, the ingredients of Section 109 of the BNS are again doubtful. In any event, without commenting on the applicability of the offence at this stage, I am inclined to allow the application of the applicant and release the applicant on bail.

7. The criminal antecedents of the applicant are something which will have to be taken into consideration. That can be taken care of by imposing stricter conditions on the present applicant. Hence, the following order :

ORDER

(i) The Bail Application is allowed.

(ii) The applicant Ravi Dnyaneshwar Salunke, shall be released on bail in Crime No. 404 of 2026 registered with Kotwali Police Station, District Ahilyanagar, for the offences punishable under Sections 109, 115(2), 352, 351(2), 3(5) of Bharatiya Nyaya Sanhita (BNS) and under Sections 3 read with 25 of the Arms Act, on furnishing a personal bond of Rs.

50,000/- (Rupees Fifty Thousand only) with one or two solvent sureties in the like amount, subject to the following conditions :

a) The applicant shall attend the trial Court on every date fixed, unless his attendance is specifically exempted.

b) The applicant shall not, directly or indirectly, contact, threaten, induce or influence the informant or any prosecution witness and shall not tamper with the prosecution evidence.

c) The applicant shall furnish his current residential address and mobile number to the Investigating Officer and the trial Court within seven days of release, intimate any change forthwith, and attend the Investigating Officer upon prior written notice if further investigation is required.

d) The applicant shall not leave India without prior permission of the trial Court and, if he possesses a passport, shall deposit the same with the trial Court within seven days of his release.

e) The applicant shall not involve himself in any offence of a similar nature while on bail.

f) The applicant shall not enter Ahilyanagar District till the conclusion of the trial. The applicant shall stay outside the said district for the said period, for

the reason that, he is criminally active and there are six active antecedents against him.

g) The applicant is permitted to enter the district of Ahilyanagar for the purpose of marking his attendance before the Investigating Officer in the present crime and for attending the Court dates fixed in various offences. The applicant shall not be found within the district of Ahilyanagar, except for the aforesaid purposes, and if found, he shall be liable to be arrested and remanded back to custody.

h) Breach of any of the above conditions shall entitle the prosecution to apply for cancellation of bail.

(iii) All observations in this order are prima facie and confined to the decision of this bail application. The trial Court shall decide the case independently on the evidence led before it.

(iv) The Bail Application is disposed of in the above terms.

(HITEN S. VENEGAVKAR)
JUDGE

Tandale