IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPLICATION FOR CANCELLATION OF BAIL NO. 239 OF 2026

Gautam Kisanlal Sethiya
VERSUS
The State Of Maharashtra And Another

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WITH

APPLICATION FOR CANCELLATION OF BAIL NO. 242 OF 2026

Gautam Kisanlal Sethiya
VERSUS
The State of Maharashtra and Another

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Mr. Saurabh Munot h/f Mr. A. D. Ostwal, Advocate for Applicant
Mr. V. V. Jagirdar, APP for the Respondents - State

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CORAM : HITEN S. VENEGAVKAR, J.

DATE : 30.10.2026

PER COURT :

1. Heard the learned Advocate for the Applicant and the learned APP for the Respondent – State.

2. The present applications seek to challenge the orders granting bail to accused – Arjun Prakash Lokhande and accused – Mansi Manohar Jadhav, who have been released on bail by the learned Trial Court on 05.08.2026. The applicant seeks cancellation of their bails on the ground that the accused persons are hardened criminals and allegedly operate in an organized manner in the commission of organised crime.

3. The main apprehension expressed by the learned Advocate for the applicant is that the applicant is the complainant and his

family members are some of the witnesses in the case. It is submitted that there is every possibility of the accused persons, if released on bail, causing harm to the life and safety of the applicant and his family members. The learned Advocate further submits that the earlier bail applications preferred by the accused persons, as referred to above, were rejected by the learned Trial Court. However, their subsequent bail applications appear to have been allowed merely on the ground that the trial is not likely to be concluded in the near future.

4. The learned Advocate for the applicant submits that the FSL report pertaining to the firearm allegedly used in the commission of the offence has not yet been placed on record. He further submits that, as per the information furnished to the Court, at least two months' time would be required for receipt of the said report. According to him, merely on the basis of such a statement, the learned Trial Court proceeded to observe that the applicant had been in custody for a considerable period and, taking into account the long incarceration of the applicant, granted bail. He further submits that the organised manner in which the offence was allegedly committed and the heinous nature of the crime ought to have been the primary considerations while deciding the bail applications of the accused persons. He, therefore, prays that the present applications be allowed, the order dated 05.08.2026 granting bail to the aforesaid two accused persons be set aside, and they be taken into custody.

5. The learned APP does not oppose the applications and fairly submits that neither the State nor the prosecution has challenged

the order granting bail to the accused persons. She leaves the matter to the discretion of the Court for an appropriate decision on the applications.

6. I have perused the impugned order dated 05.08.2026 passed by the learned Additional Sessions Judge, Aurangabad in Exhibit – 96 in Sessions Case No.196/2025 pending before the said Court. The order indicates that the accused were arrested on 29.01.2025 and have remained in custody since then for the offence punishable under Sections 309(4), 309(6), 311 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 3 read with Section 25 of the Arms Act, 1959. The impugned order further records that the earlier bail applications of the accused persons had been rejected on merits. Thereafter, during the course of the trial, approximately twelve witnesses came to be examined. At that stage, the trial could not proceed further on account of the non-production of the FSL report pertaining to the firearm allegedly used in the commission of the offence. The learned Trial Court has recorded the statement of the learned APP that at least two months' time would be required for obtaining the said FSL report. The said statement indicated that the trial was not likely to proceed for at least another two months.

7. The learned Trial Court, after considering the evidence of the twelve witnesses already examined, as well as the nature of the allegations against the present accused persons, came to the conclusion that the accused persons were not facing trial for any offence relating to an organised crime syndicate and that the possibility of their pressurising the witnesses stood eliminated. The learned Trial Court also took into consideration the fact that

the accused persons had been in custody since 29.01.2025 and, accordingly, released them on bail.

8. The submission of the learned Advocate for the applicant that the accused persons are involved in organised crime is not borne out from the record. The learned Trial Court has specifically observed that the provisions of Section 111 of the BNS are not attracted in the present case. The record further reveals that the accused are facing trial only for the offences punishable under Sections 309(4), 309(6), 311 and 35 of the BNS and Section 3 read with Section 25 of the Arms Act, 1959. The learned Trial Court has also taken into consideration the fact that twelve material witnesses had already been examined. Thus, the delay in the progress of the trial was primarily attributable to the non-production of the FSL report by the prosecution. There is no certainty that the FSL report would be received even within a period of two months. It is a matter of experience that, in the State of Maharashtra, receipt of FSL reports often gets delayed for years together. In view of the aforesaid circumstances, the impugned order does not suffer from any illegality, infirmity or non-application of mind. The learned Trial Court has passed a well-reasoned order after taking into consideration the period of incarceration undergone by the accused persons and the fact that the Sessions Trial has been stalled due to the prosecution's failure to produce the FSL report. In these circumstances, I do not find any substance in the present applications. Both the applications stand dismissed accordingly.

[HITEN S. VENEGAVKAR, J.]

Sameer/Oct-2026