



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2131 OF 2025

PARSHURAM MOHAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Senior Counsel Mr. N. B. Khandare i/b Mr.
A. R. Gaikwad
APP for Respondent-State: Mr. A. R. Kale

WITH

BAIL APPLICATION NO. 2319 OF 2025

MOHAN ALIAS RAJU SUBHASH GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. Satej S. Jadhav
APP for Respondent-State : Mr. A. R. Kale

CORAM : SACHIN S. DESHMUKH, J.

Date : 22nd January, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 29.06.2025 bearing Crime No. 116 of 2025 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 109(1), 118(2), 351(3), 352, 125(b), 324(4), 324(6), 238, 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The prosecution alleges that on 29.06.2025 at approximately 3:00 am, the informant was notified of an accident involving his nephew and a friend. Informant went to the hospital where the friend reported that earlier, around 2:15 - 2:30 am, four individuals in a Scorpio bearing Registration No. MH-44-K-2400 had confronted them in front of Anvita Hotel for cutting off their vehicle. After exchanging abuses and receiving death threats, the victims / injured took a U-turn and fled away. The accused chased them to Jijamata square, near Sarda Central, where they intentionally crashed into the victims' vehicle. This collision caused the victims to hit a pole and sustain injuries. Vaibhav Jadhav witnessed the incident and an ambulance transported the victims to the hospital. Accordingly, the FIR came to be registered.

3. The learned Senior Counsel for the applicant Mr. Khandare submits that there is a substantial inconsistencies about the occurrence of incident as well as the date and the timings of the alleged incident in the statements recorded by the Investigating Officer. It is further submitted that while admitting the injured in hospital, the history of road traffic accident is narrated. There is no incriminating material on record to connect the applicants with the alleged commission of the crime.

4. The learned counsel for applicant Mr. Satej Jadhav submits that the prosecution fails to establish a specific overt act for the applicant. Merely being present in the vehicle does not prove a shared common intention to commit an attempt to murder. Applicant is falsely implicated in the crime. As such, prayed to allow the application.

5. The learned APP submits that the incident is serious in nature, that the involvement of the applicant is apparent, and that there is sufficient material on record to indicate the applicants' complicity in the incident. If the applicants are enlarged on bail, there is every possibility of tampering with the prosecution evidence. As such, it is prayed that the application be rejected.

6. Having heard the learned counsels for the applicants and the learned APP for the State and perusing the material on record, including the charge-sheet, the incident originated from a spontaneous road-side altercation regarding a traffic maneuver ("giving a cut"). The dispute prima facie appears to have escalated in the heat of the moment.

7. Perusal of record reveals a substantial inconsistencies between the statements recorded by the Investigating Officer (IO) and the actual facts of the incident. When there are conflicting versions regarding the occurrence, date, and timing of the alleged incident, the entire narrative of the prosecution becomes the subject matter of trial.

8. While the injured was being admitted to the hospital, the history provided was that of a Road Traffic Accident (RTA), rather than a criminal assault. This initial statement, made at the first available opportunity to a Doctor, prima facie, carries a significant evidentiary weight and directly contradicts the later criminal allegations. The shift from a "road traffic accident" to a "criminal assault" strongly prima facie indicates that the present charges may be an afterthought or motivated.

9. In aforesaid facts and circumstances, the material contradictions regarding the date and time of the occurrence, coupled with the initial medical history of a road traffic accident, prima facie create a doubt regarding the veracity of the prosecution story.

10. The investigation is complete for all intent and purposes. Resultantly, the charge-sheet is filed. Having regard to the number of the accused and the witnesses which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

11. As such, further detention of the applicants as an under trial prisoner, in the circumstances of the case does not seem to be either warranted or justifiable. I am, therefore, persuaded to exercise the discretion in favor of the applicant.

12. Accordingly, following order :-

ORDER

(I) Applications are **allowed**.

(II) Applicants – Parshuram Mohan Gaikwad and Mohan @ Raju Subhash Gaikwad be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) **each** with one or two local solvent sureties in the like amount, in connection with Crime No. 116 of 2025 registered with Beed City Police Station, Dist. Beed for the offences punishable under Sections 109(1), 118(2), 351(3), 352, 125(b), 324(4), 324(6), 238, 3(5) of the Bhartiya Nyaya Sanhita, 2023, on the following conditions :-

- (a) The applicants shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (c) The applicants shall submit their Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (III) Needless to states that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi