



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

932 BAIL APPLICATION NO. 2417 OF 2025

Anna Alias Sunil Pramod GaikwadApplicant

VERSUS

The State of MaharashtraRespondent

Mr. S. S. Shinde, Advocate (appointed) for Applicant.
Mr. D. B. Bhange, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 30th JANUARY, 2026.

PER COURT :

1. Applicant has preferred this application seeking regular bail in connection with Crime No. 441/2023 registered with Kopargaon Rural Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 302, 323, 504, 506, 34 of the Indian Penal Code.

2. Prosecution case is that on 11.09.2023 at about 5.00 pm, informant received information from her younger brother that her husband/deceased was being beaten by present Applicant along with co-accused. Present Applicant inflicted blow on the head of the deceased with the help of a wooden log. When informant reached the spot along with her brothers, she saw the deceased was lying on the ground in injured condition. At that time, present Applicant along

with co-accused were abusing and threatening them. Thereafter, they took the deceased to the Government hospital where he was declared dead. On these allegations, First Information Report was registered.

3. Learned Counsel for the Applicant submits that this is a case of over implication. The role assigned to the present Applicant in the First Information Report is to the extent of inflicting blow with a wooden log. However, no corresponding injury appears in the Post Mortem report to that effect. The cause of death also does not support the case of the prosecution. It is further submitted that the co-accused are enlarged on bail by this Court. Hence, prayed to consider the application on the ground of parity.

4. Per contra, learned APP vehemently opposed the application submitting that the crime is serious in nature. An individual has lost his life in the crime. It is further submitted that a specific role is attributed against the Applicant in the First Information Report. The role assigned to the present Applicant is distinct from that of the co-accused. Hence, Applicant is not entitled to the rule of parity. Thus, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is prima facie evident that the role assigned to the present Applicant is of inflicting blow with the help of a wooden log. However, the cause of death indicated in the Post Mortem report is altogether different than the role assigned to the present Applicant.

6. Nevertheless, investigation in the crime is complete for all intent and purpose. Resultantly, charge-sheet is filed. Furthermore, co-accused are enlarged on bail by this Court. Hence, further incarceration of the Applicant is not justified. In that view of the matter, I am inclined to exercise discretion in favour of the present Applicant.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Anna Alias Sunil Pramod Gaikwad, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) with one or two local solvent sureties, in the like amount, in connection with Crime No. 441/2023

registered with Kopargaon Rural Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 302, 323, 504, 506, 34 of the Indian Penal Code, on the following conditions :-

(a) The Applicant shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.

(b) The Applicant shall attend the trial on each and every date unless exempted by the Trial Court and shall not leave the area of jurisdiction of the concerned Police Station till conclusion of the trial.

(c) The Applicant shall submit Aadhar and Pan Cards to the Investigating Officer and detailed address and phone numbers of the Applicant and two of the near relatives.

(d) In case of breach of any of the conditions by the Applicant, it is open for the prosecution to move this Court seeking cancellation of bail.

(iii) Needless to state that, nothing stated hereinabove shall be construed as an expression on merits of the case. Learned Trial court shall proceed independently and uninfluenced by the observations made hereinabove.

(iv) The High Court Legal Services Sub-Committee, Aurangabad, to pay fees of learned Counsel appointed for the Applicant as per rules.

(SACHIN S. DESHMUKH, J.)