



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

938 BAIL APPLICATION NO. 2510 OF 2025

Gautam Jayram GaikwadApplicant

VERSUS

The State of MaharashtraRespondent

Mr. S. S. Dixit, Advocate for Applicant.
Mr. D. B. Bhange, APP for the State.

WITH
BAIL APPLICATION NO. 63 OF 2026

Sohail Alias Rahul Bhausahab Andhale Applicant

VERSUS

The State of MaharashtraRespondent

Mr. R. K. Temkar, Advocate for Applicant.
Mr. D. B. Bhange, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 30th JANUARY, 2026.

PER COURT :

1. Applicants in both these applications seek regular bail in connection with Crime No. 151/2025 registered with Aashwi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. The case of the prosecution is that on 08.08.2025 at about 8.45 pm, one Asif, the friend of his son/deceased, called the informant requesting him to immediately reach to Pravara hospital, since deceased has received nail injury on his back. Thereafter, immediately informant along with his son Mujaffar reached the hospital. On enquiring, Matin informed that while he was sitting near a temple, present Applicants along with co-accused scuffled with him, they caught hold his hands and legs and co-accused Asif inflicted nail injury on his back. Thereafter the deceased was shifted to Sasoon hospital, Pune where he succumbed to injuries. On these allegations, First Information Report came to be registered.

3. Learned Counsel for Applicants submit that this is a case of over implication. First Information Report indicates that the deceased narrated the incident to the informant on the same day, however, there is delay of two days in lodging First Information Report. Further, the statement of eye-witness is recorded after about 5 days of the incident. The stab injury indicated in the Post Mortem report attributes to the co-accused and not to the present Applicants. The Applicants have no criminal antecedents. Hence, prayed to consider the prayer of the Applicants.

4. Per contra, learned APP vehemently opposed the application by submitting that the Applicants are involved in a serious crime. The son of the informant has lost life in the incident. The statement of eye-witness specifically mentions the role of the Applicants which indicates their complicity in the incident. Hence, considering the severity of the offence, prayed to reject the applications.

5. Upon considering submissions of both sides and on perusal of the record, including charge-sheet, it is prima facie evident that the statement of the eye-witness is recorded on 15.08.2025 i.e. 5 days after the incident. Furthermore, though the deceased had narrated the incident to the informant on the same day, there is delay in lodging First Information Report which is unexplained. The stab injury is attributed to the co-accused. Thus, prima facie, it is a case of over implication.

6. Nevertheless, investigation in the crime is complete for all intent and purpose. Resultantly, charge-sheet is filed. There are no criminal antecedents against the Applicants. Having regard to the fact that there is unexplained delay in lodging First Information

Report coupled with the fact that the corresponding stab injury is attributed to the co-accused, no fruitful purpose would be served by further incarcerating the Applicants. Hence, I am inclined to exercise discretion in favour of the Applicants.

7. Hence, the following order :-

ORDER

- (i) Applications are allowed.
- (ii) Applicants Gautam Jayram Gaikwad and Sohail Alias Rahul Bhausahab Andhale, be released on bail, on furnishing P.R. bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand) each with one or two local solvent sureties, in the like amount, in connection with Crime No. 151/2025 registered with Aashwi Police Station, Dist. Ahilyanagar, for the offences punishable under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
 - (a) The Applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence, in any manner.
 - (b) The Applicants 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 Applicants 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 Applicants, 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.

(SACHIN S. DESHMUKH, J.)

dyb