



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

962 BAIL APPLICATION NO. 2524 OF 2025

Komal Vijay GaikwadApplicant

VERSUS

The State of MaharashtraRespondent

Mr. N.S. Ghanekar, Advocate for Applicant.
Smt. R. R. Tandale, APP for the State.

WITH
BAIL APPLICATION NO. 2543 OF 2025

Ram Govindrao Jadhav Applicant

VERSUS

The State of Maharashtra & anotherRespondents

Mr. S. J. Salunke, Advocate for Applicant.
Smt. R. R. Tandale, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 21st JANUARY, 2026.

PER COURT :

1. Applicants in both the applications are seeking regular bail in connection with Crime No. 581/2025 registered with Shahada Police Station, Dist. Nandurbar, for the offences punishable under Sections 310(2), 310(4), 311, 138, 351, 115(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25, 25(1k)(z) of Arms Act.

2. The prosecution case is that on 27.10.2025, informant, who is the goldsmith was proceeding to his shop in a car. He had taken 30 Kg silver ornaments, 200 gm gold ornaments and cash amounting to Rs. 6,00,000/- with him. While proceeding towards Mhasawad, one Swift Dezire driven by an unknown person intercepted the car of the informant. As a result of which, the vehicle of the informant dashed against the vehicle. Immediately, four unknown persons alighted from said car, started altercation with the informant and broke the glass of the car of informant with the help of a spanner. One of them threatened the informant and forced him to come out of the vehicle and made him to sit in the rear side of the vehicle. They took the informant along with his car with them. One of them hit the head of the informant. They gagged and threatened the informant. At about 3.00 to 3.30 hours they stopped the vehicle and took away the ornaments and cash from the vehicle of the informant. Thereafter two of them took the informant with them and fled away on a motorcycle. On these allegations, First Information Report came to be lodged.

3. Learned Counsel for the Applicant Komal submits that the Applicant is falsely implicated in the crime. Merely because the

Applicant is the wife of co-accused, she is implicated in this crime. Moreover, the Applicant is not implicated in the First Information Report. There are no criminal antecedents against the Applicant. Hence, prayed to enlarge the Applicant on bail.

4. Learned Counsel for Applicant Ram submits that the First Information Report was lodged against unknown persons and the name of the Applicant is not mentioned in the First Information Report. The Applicant has been arraigned as accused only on the basis of the statement of co-accused who allegedly disclosed that the stolen articles were kept with the present Applicant. As such, there is no role of the Applicant in the alleged crime.

5. Learned APP vehemently opposed the Application stating that the offence is serious in nature. The present Applicants are related with the co-accused armed with weapon and had threatened the informant obtaining his property. Further, the said property was found in the custody of the Applicant Ram. Since, Applicant Komal is wife of co-accused Vijay Gaikwad, she shared common intent in the crime. As such prayed to reject both the Applications.

6. Having heard submissions of both sides, and upon perusal of the record, including charge-sheet, indicates that apart from the discovery of the stolen articles, no other allegations are levelled against Applicant Ram. Moreover, Applicant Komal is admittedly wife of the other co-accused. As such, there appears no overt act against Applicants except that of being related to the co-accused. Therefore, the possibility of over implication cannot be ruled out.

7. As far as the relation and the subsequent motive of Applicants committing the alleged crime is concerned, the same is an aspect of trial. Moreover, Applicant Komal being a woman, is entitled for special consideration for bail as per the provisions of Section 480 of BNSS. Further more, investigation in the crime is complete and the recovery is carried out to that effect. hence, no fruitful purpose would be served by keeping the Applicants behind the bars for indefinite period.

8. Hence, the following order :-

ORDER

- (i) Both the applications are allowed.
- (ii) Applicants Komal Vijay Gaikwad and Ram Govindrao Jadhav, 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. 581/2025 registered with Shahada Police Station, Dist. Nandurbar, for the offences punishable under Sections 310(2), 310(4), 311, 138, 351, 115(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 25, 25(1k)(z) of Arms Act., 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.)