



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2545 OF 2025

KISHOR ALIAS GANESH DAMODAR GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Advocate for Applicant : Mr. Sudarshan J. Salunke
APP for Respondents-State : Mr. G. O. Wattamwar

WITH

CRIMINAL APPLICATION NO. 290 OF 2026
IN BA/2545/2025

RENUKA SANTOSH DEOKAR
VERSUS
KISHOR ALIAS GANESH DAMODAR GAIKWAD AND ANOTHER

Advocate for Applicant : Mr. Sanjay A. Wakure (Assit to PP)

CORAM : SACHIN S. DESHMUKH, J.

Date : 29th January, 2026

ORDER :-

1. The applicant has approached this Court seeking regular bail in connection with FIR dated 16.04.2025 bearing Crime No. 108 of 2025 registered with Paranda Police Station, Dist. Dharashiv for the offences punishable under Sections 103, 109, 118(2), 118(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. According to the prosecution, on 15.04.2025, a quarrel occurred during which the victim was assaulted with a stick. While bystanders intervened to stop the physical altercation, the victim sustained severe injuries. He was initially transported by private vehicle to Jagdale Mama Hospital in Barshi and was subsequently transferred to CNS Hospital in Solapur for advanced care.

3. It is alleged that on 16.04.2025, the complainant approached the police to file a First Information Report (FIR) against three named individuals. At the time of the report, the victim was documented as being in an unconscious state while undergoing medical treatment for his injuries. On 18.04.2025, the injured succumbed to his injuries during the course of his treatment.

4. Following the death, the police recorded a supplementary statement from the complainant along with the testimonies of various witnesses to account for the escalated nature of the crime. Upon the conclusion of the investigation, the police submitted a charge-sheet.

5. The learned counsel for the applicant submits that the

present case originated from a sudden quarrel involving an alleged assault with a stick on 15.04.2025. The learned counsel further submits that there was no premeditated intent to cause death, as the incident occurred during a spontaneous and intervened quarrel. Furthermore, the investigation is now complete and the charge-sheet has been filed. Further incarceration of the applicant is unjustified. Hence, it is prayed that the application be allowed.

6. The learned APP and the learned counsel assisting PP opposed the application, submitting that the offence is serious in nature and that there is sufficient material on record to establish the applicant's complicity. Furthermore, the APP argued that if the applicant is released on bail, there is every possibility of the prosecution evidence being tampered with or the offence being repeated. Accordingly, it was prayed that the application be rejected.

7. Upon considering the submissions of both sides and perusing the material on record, including the charge-sheet, it is prima facie evident that the incident of 15.04.2025 arose from a sudden, spontaneous quarrel rather than a premeditated conspiracy to commit a crime. The use of a stick, commonly

categorized as a weapon not inherently lethal, indicates that there may have been a lack of specific intent to cause death. Prima facie, the alleged incident occurred at the spur of moment.

8. Apart from the aforesaid aspect, the investigation is complete for all intent and purpose, resultantly, the charge-sheet is filed. Having regard to the number of the witnesses, which the prosecution proposes to examine, it is very unlikely that the trial can be commenced and concluded within a reasonable period.

9. As such, further incarceration of the application as an under-trial prisoner, in the circumstances of the case, does not seem to be either warranted or justified. I am, therefore, persuaded to exercise the discretion in favour of the applicant.

10. Keeping in view the peculiar facts and circumstances of the case, the applicant's right to liberty needs to be upheld by imposing stringent conditions. The learned APP's apprehension about tampering with the prosecution evidence can be adequately taken care of by imposing certain stringent conditions. In that view of the matter, the applicant deserves to be released on bail.

11. Hence, the following order:

ORDER

- (I) Application is **allowed**.
- (II) Applicant – Kishor @ Ganesh Damodar Gaikwad be released on regular bail on furnishing P.R. bond of Rs. 50,000/- (Fifty Thousand Only) with one or two local solvent sureties in the like amount, in Crime No. 108 of 2025 registered with Paranda Police Station, Dist. Dharashiv for the offences punishable under Sections 103, 109, 118(2), 118(1), 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023, on the following conditions :-
- (a) The applicant shall attend each and every date of the Trial Court unless exempted by the Trial Court.
 - (b) The applicant shall not enter into village Wakadi, Tq. Paranda, Dist. Dharashiv , till conclusion of the trial.
 - (c) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (d) The applicant shall submit his Aadhar and Pan Card to the Investigation Officer and detailed addresses and phone numbers of applicant and two of the near relatives.
 - (e) Breach of any of the conditions by the applicants

would entail the cancellation of the 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.
- (IV) Resultantly, pending criminal application also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi