



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 41 OF 2026

KIRAN ANNASAHEB GAIDHANE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mr. A. S. Gandhi
APP for Respondents-State : Mr. P. P. Dawalkar
Advocate for Applicant (Cri.Appln.) : Mr. Madhukar Parghane (Assit
to PP)

WITH
CRIMINAL APPLICATION NO. 476 OF 2026
IN BA/41/2026

CORAM : SACHIN S. DESHMUKH, J.
Date : 4th February, 2026

ORDER :-

1. The applicants have approached this Court seeking regular bail in connection with FIR dated 15.12.2025 bearing Crime No. 387 of 2025 registered with Virgaon Police Station, Dist. Chhatrapati Sambhajanagar for the offences punishable under Sections 118(2), 118(1), 115(2), 352, 351(2), 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

2. The genesis of the dispute dates back to 12.12.2025 approximately at 16:00 hours. The informant alleges that upon

visiting his agricultural field, he discovered substantial damage caused to his standing cotton crops, purportedly resulting from the unauthorized movement of a tractor belonging to accused No. 1.

3. Following this discovery, the informant confronted accused No. 1 (Appasaheb) to question the intrusion and the resulting crop destruction. During this initial encounter, it is alleged that accused No. 2 (Kiran) intervened and issued threats against the Informant, escalating the tension between the parties. The conflict further intensified on 14.12.2025, when accused No. 1 summoned the Informant to the field. In response, the informant proceeded to the site accompanied by his brother. Upon their arrival, all the accused persons allegedly arrived at the spot armed with lethal weapons, specifically an axe, a sickle, and an iron pipe.

4. The further case of the prosecution is that the accused persons launched a coordinated assault on the Informant using the aforementioned weapons. When the informant's brother attempted to intervene to pacify the situation and protect the informant, the accused persons allegedly turned their aggression toward him as well, subjecting him to physical assault and issuing death threats to both victims.

5. The learned counsel for applicants on instructions, seeks withdrawal of the application to the extent of applicant No. 1 Kiran. Accordingly, the bail application stands dismissed as withdrawn as against applicant No. 1 Kiran.

6. The learned counsel for the applicants submits that the prosecution has assigned vague and omnibus allegations against them. While the FIR mentions the use of an axe, sickle, and iron pipe, it fails to attribute any specific overt act or the use of a particular weapon to either Bhaiyya or Rahul. In the absence of a specific role resulting in a corresponding injury, their continued incarceration is unwarranted. Hence, prayed to allow the application.

7. 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. As such, it is prayed that the application be rejected.

8. Having heard the learned counsel for the applicant and

the learned APP for the State and perusing the material on record, it is prima facie evident that the general allegations are levelled against the present applicants. Nevertheless, there is an absence of a specific role alleged against the present applicant.

9. Upon perusal of the FIR, it is prima facie evident that the genesis of the dispute on 12.12.2025 was primarily between the informant and accused No. 1 and 2. The names of the present Applicants, Bhaiyya and Rahul, do not surface in the initial confrontation, suggesting they were not part of the underlying agricultural dispute regarding the cotton crops.

10. The investigation is almost completed. Nothing further remains to be recovered at the present applicants' instance. Thus, keeping in view the peculiar facts and circumstances of the case, the applicants' right to liberty needs to be upheld by imposing stringent conditions.

11. In that view of the matter, the applicant deserves to be released on bail.

12. Accordingly, following order :-

ORDER

- (I) Application is **allowed**.
- (II) Application to the extent of applicant No. 1 Kiran is dismissed as **withdrawn**.
- (III) Applicants – **Bhaiyyasaheb @ Bhaiyya Subhash Gaidhane** and **Rahul Subhash Gaidhane** 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. 387 of 2025 registered with Virgaon Police Station, Dist. Chhatrapati Sambhajnagar for the offences punishable under Sections 118(2), 118(1), 115(2), 352, 351(2), 351(3), 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

applicant, 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.

(IV) Pending Criminal Application, if any, also stands disposed of.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi