



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

969 BAIL APPLICATION NO. 247 OF 2026 WITH
CRIMINAL APPLICATION NO. 752 OF 2026
IN BA/247/2026

1. Poonam Ajay Gaikwad
 2. Ashwini @ Chapati Vishal Misal
 3. Pooja Sachin Nerkar
-Applicants

VERSUS

The State of Maharashtra

.....Respondent

Mr. A. A. Pawar, Advocate holding for Mr. M. K. Sana, Advocate for Applicants.

Mr. G. O. Wattamwar, APP for the State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 24th FEBRUARY, 2026.

PER COURT :

1. Criminal Application No. 752/2026 stands allowed.
2. Applicants seek regular bail in connection with Crime No. 1049/2025 registered with Shirdi Police Station, Dist. Ahilyanagar, for the offences punishable under Section 132, 121(1), 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The case of prosecution is that on 16.06.2025 the informant was on duty at Shirdi Police Station. At about 16.00 hours, one Vaishnavi Gaikwas reached there with her grand-mother complaining about scuffle. While the informant was asking Vaishnavi about the incident, at the same time, three ladies reached there. They were shouting and abusing. At that time, when the Police Head Constable asked them to keep calm, they started abusing and beating Vaishnavi and her grand-mother. When the informant along with other police personnel tried to intervene, Applicant Poonam abused and threatened the informant. Applicant Pooja assaulted the police personnel on duty. Similarly, Applicant Ashwini @ Chapati also abused and assaulted the police personnel. On the basis of these allegations, First Information Report came to be lodged.

3. Learned Counsel for the Applicants submits that the Applicants are falsely implicated in the crime. Infact, no such incident has occurred. Vague and general allegations are made against the present Applicants. The Applicants have no criminal antecedents. Applicants being ladies are entitled to statutory protection under Section 480 of the BNSS. It is further submitted that Applicant Poonam is at advanced stage of pregnancy and as

such her further incarceration is unjustified. Hence, prayed to allow the application.

4. Per contra, learned APP vehemently opposed the application submitting that the Applicants are involved in a serious crime of using criminal force, abusing and assaulting the public servants. It is further submitted that the Applicants have obstructed the public servants while discharging their duties. Hence, prayed to reject the application.

5. Upon considering submissions of both sides and on perusal of the record, it appears that the Applicants are behind the bars since 31.12.2025. The alleged incident prima facie appears to have occurred in the spur of the moment. As such, cannot be regarded as an attempt to actively deter the public servant. Moreover, there is nothing to be recovered at the instance of the Applicants.

6. The Applicants being women are also entitled to statutory protection under Section 480 of the BNSS. Considering the fact that Applicant No. 1 Poonam is at advanced stage of pregnancy, whereas

Applicant Nos. 2 and 3 are also having minor children, their further incarceration is not warranted. In view of these circumstances, I am inclined to exercise discretion in favour of the Applicants.

7. Hence, the following order :-

ORDER

- (i) Application is allowed.
- (ii) Applicants Poonam Ajay Gaikwad, Ashwini @ Chapati Vishal Misal and Pooja Sachin Nerkar, 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. 1049/2025 registered with Shirdi Police Station, Dist. Ahilyanagar, for the offences punishable under Section 132, 121(1), 3(5) of 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 concerned 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.)

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