



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.73 OF 2026**

Pawan s/o Ishwarlal Jaiswal,
Age: 27 years, Occ: Service,
R/o. Gandhinagar, near Sunday Market
Aurangabad.

..Applicant

Versus

The State of Maharashtra,
Through Pundliknagar Police Station,
District Aurangabad.

..Respondent

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Mr. N. S. Ghanekar, Advocate for Applicant.
Mr. P. P. Dawalkar, APP for Respondent.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th MARCH, 2026**

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.309/2025 registered with Pundliknagar Police Station, Dist. Aurangabad for offences punishable under Sections 109-1, 118-1, 121-2, 132, 126-2, 296, 115-2, 352 r/w 3-5 of the Bhartiya Nyaya Sanhita, 2023 and Section 3/25 of Arms Act.

2. The investigation was set in motion on the basis of information given by Mr. Rahul Chawariya, police constable that on 15.07.2025 while he was proceeding in official vehicle and reached near Sports Complex of Shahanoor Miya Dargah Road, two motorcyclists with pillion rider blocked his way. He took his vehicle ahead of them. The motorcyclists abused him and intercepted his vehicle. One of the accused assaulted him with

fighter and others gave him fist and kick blows. As a result of injury, he felled unconscious.

3. In pursuance of aforesaid information, Crime No.309/2025 has been registered against unknown persons. The applicant was arrested on 23.07.2025. After filing of charge-sheet, he filed Bail Application No.2540/2025 before Sessions Court, which came to be rejected.

4. Mr. Ghanekar, learned Advocate appearing for applicant submits that although offence under Section 109(1) is charged, injuries suffered by informant were simple in nature. The applicant is behind bar since 23.07.2025. Merely because there are criminal antecedents, applicant cannot be incarcerated for indefinite period.

5. Per contra, Mr. Dawalkar, learned APP strongly opposes application. He submits that applicant is a habitual offender. As many as 21 criminal cases have been registered against him. If he is released on bail, he will continue to indulge in criminal activities.

6. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that, *prima facie* there is sufficient evidence showing involvement of applicant in commission of offence. However, perusal of injury certificate shows that informant had suffered three injuries,

which are simple in nature. Second and third injury is infact description of one and same injury in different manner. The incident occurred on spur of moment. There was no premeditation. *Prima facie*, it cannot be said that informant was attacked with intention to kill. The applicant is behind bar for last eight months. The investigation is completed and charge-sheet is filed. However, trial will take its own course. Merely because there are criminal antecedents, applicant cannot be denied bail. Resultantly, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Pawan s/o Ishwarlal Jaiswal be released on bail in Crime No.309/2025 registered with Pundliknagar Police Station, Dist. Aurangabad for offences punishable under Sections 109-1, 118-1, 121-2, 132, 126-2, 296, 115-2, 352 r/w 3-5 of the Bhartiya Nyaya Sanhita, 2023 and Section 3/25 of Arms Act on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) on following condition:
 - a. The applicant shall not tamper with prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date before the Trial Court.

c. The applicant shall not indulge in criminal activity.

(iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/March-2026