



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 BAIL APPLICATION NO. 302 OF 2026

Vijay s/o Ramkrushna Gaikwad,
Age 38 years, Occ. Labour,
R/o. Plot No. 12, Ram Nagar
Near Abhay College, Tq. & Dist. Dhule.

... **Applicant**

VERSUS

The State of Maharashtra,
Through Police Station Shahada,
District Nandurabar

... **Respondent**

...
Advocate for Applicant : Mr. Satej Jadhav h/f Mr. Deshpande Chaitanya
Chandrakant
APP for Respondents: Mr. S. V. Hange
...

CORAM : **SHAILESH P BRAHME, J.**

DATE : **08.04.2026**

PER COURT :

Heard both sides.

2. The applicant is seeking regular bail in connection with Crime No. 581/2025 registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 310 (2), 310(4), 311, 61(2), 138, 351, 115(2), 140(1) of Bharatiya Nyaya Sanhita, 2023, under Section 3, 4, 25, 25(1k) (z) of the Arms Act.

3. The applicant is alleged to have been involved in abduction, assault and robbery of gold and silver ornaments and cash from the informant, who happened to be a jeweller and travelling alone in his car from Shahada to Mhasawad. It is alleged that accused intercepted the car. They were having

weapons, gun and revolver. He was taken to remote place through his car, assaulted and robbed him. He was masked also so as to conceal the location.

4. The applicant is arrested on 22.11.2025. The charge-sheet is filed against 15 accused persons. It is reported that all of them except present applicant are released on bail.

5. Learned counsel for the applicant Mr. Satej Jadhav submits that there is discrepancy in the quantity of the silver, which is subjected to robbery and the recovery made at the instance of the applicant. It belies prosecution story. All the co-accused are released on bail, who were having antecedents. The supplementary statement recorded by the police is after arrest of the applicant and cannot be said to be independent version. The applicant is ready to abide by any condition.

6. Learned A.P.P. Mr. Hange would vehemently oppose the submissions. My attention is adverted to transcript of dash camera installed in the four wheeler of the informant from which the interaction amongst the accused and informant was recorded. The conversation clearly shows the incriminating role played by the applicant, who is the main perpetrator. The discrepancy in respect of silver, recovered from the applicant is explainable during the course of trial. The supplementary statement would corroborate the prosecution theory. The recovery made at the instance of applicant would connect him with the crime. The applicant is a habitual offender and is likely to indulge in similar offences in future.

7. First information report refers to 30 k.g. of silver ornaments besides the articles and cash stolen from the informant. The recovery made on 30.11.2025 refers to 54 k.g. and the recovery which is reflected in the status report shows 34 k.g. Thus supplementary statement was recorded on 28.11.2025 after six days from the arrest of the applicant. The discrepancy in the recovery is apparent but that cannot be the sole ground for granting him bail.

8. I have gone through the transcript panchnama. The presence of the applicant at the relevant time in the car is apparent. The pistol is recovered at the instance of accused no. 13 Ram.

9. Papers of investigation show that there are various cases lodged against the applicant. Five cases are still *sub judice*. In the case of co-accused, who are released on bail antecedents are reported. There is no point and purpose in detaining the applicant behind bars any further. I, therefore, pass following order.

10. The Bail Application is allowed.

11. The applicant Vijay s/o Ramkrushna Gaikwad shall be released on bail in connection with Crime No. 581/2025 registered with Shahada Police Station, District Nandurbar for the offences punishable under Sections 310 (2), 310(4), 311, 61(2), 138, 351, 115(2), 140(1) of Bharatiya Nyaya Sanhita, 2023, under Section 3, 4, 25, 25(1k) (z) of the Arms Act on following conditions:

(a) The applicant shall furnish P.R. bond of Rs. 75,000/- (Rs. Seventy Five Thousand only) with one or more solvent surety of like amount.

(b) The applicant shall not tamper with prosecution evidence or contact with the prosecution witnesses.

(c) The applicant shall furnish his mobile/cell number and address to the investigating officer.

(d) The applicant shall report the investigating officer on every Sunday between 10 a.m. to 2 p.m. till conclusion of recording of evidence.

(e) The applicant shall surrender his Aadhar card and

PAN card.

(f) The applicant shall cooperate for expedite disposal of the trial.

12. Bail application is disposed of.

(SHAILESH P. BRAHME, J.)

mkd/-