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**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO.360 OF 2026

Vikas Ashok Gavhane

... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. M.R.Dusunge, Advocate a/w Mr. V.V. Dushing,
Y.B. Nemane and A.B. Ingle, Advocates for applicant
Mr. S.D. Ghayal, A.P.P. for respondent – State

.....

WITH

BAIL APPLICATION NO.271 OF 2026

Rutik @ Rutwik @ Sonu s/o Manoj Ghodake ... **APPLICANT**

VERSUS

The State of Maharashtra

... **RESPONDENT**

.....
Mr. A.D. Ostwal, Advocate for applicant
Mr. S.D. Ghayal, A.P.P. for respondent – State, assisted by
Mr. G.R. Syed, Advocate for informant

.....

WITH

CRIMINAL APPLICATION NO.1312 OF 2026 IN
BAIL APPLICATION NO.271 OF 2026

Seema Shivaji Naikodi

... **APPLICANT**

VERSUS

The State of Maharashtra & anr.

... **RESPONDENTS**

.....

Mr. G.R. Syed, Advocate for applicant

Mr. S.D. Ghayal, A.P.P. for respondent No.1 – State

Mr. A.D. Ostwal, Advocate for respondent No.2.

.....

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10th JUNE, 2026

PER COURT :

1. Criminal Application No.1312/2026 is allowed. The informant is permitted to assist learned A.P.P. in Bail Application No.271/2026.

2. By these applications, the applicants are seeking their release on regular bail in connection with Crime No.0204/2025, registered at Tophkhana Police Station, District Ahilyanagar for the offences punishable under Sections 140(3), 140(1), 103(1), 61(2), 238 of the Bhartiya Nyaya Sanhita, 2023, now culminated into Sessions Case No.173/2025, pending on the file of learned Additional Sessions Judge, Ahmednagar.

3. The prosecution case in short is that, on 22/2/2025 at

about 9.15 p.m., the applicant and other accused persons kidnapped after being blind folded, Vaibhav @ Sonya Shivaji Naykodi in Swift Car No.MH-16/DL-0302 to Survey No.795/1, situated at Wadgaon Gupta, Taluka and District Ahilyanagar. He was assaulted by the accused persons by fists and kicks and with hilt of sword. Similarly, the accused persons also assaulted witness Sandesh by iron hilt. Thereafter deceased Vaibhav and witness Sandesh were taken to Flat No.205, Ovi Apartment, Chetana Colony, Nav Nagapur, Taluka and District Ahilyanagar and again were assaulted, due to which Vaibhav succumbed to grievous injuries. They wrapped dead body of deceased Vaibhav and carried through Swift Car No,MH-12/CY-5734 to Survey No.959, Wadgaon Gupta, Taluka and District Ahilyanagar and thereafter the dead body was set ablaze. Thereafter the ash and bones of the deceased Vaibhav was collected in a sack and it was thrown in Saklai lake situated at Vilad, Taluka and District Ahilyanagar to disscreen the evidence.

4. Learned counsel for the applicants submitted that, it is a case of over implication. The incident occurred in the night of 22/2/2025 and eventually the statement of the witness to the incident was recorded on 2/3/2025. As such, there is inordinate

and unexplained delay. The investigation is complete. Charge Sheet is filed. Considering the number of witnesses which the prosecution proposes to cite, the trial will take its own time. Therefore, the learned counsel prayed to allow the applications.

5. Per contra, learned A.P.P. and learned counsel for informant vehemently opposed the applications, submitting that the complicity of the applicants in serious offence is evident from the statements of the witness who has witnessed the incident, which disentitles the applicants to be admitted to bail. As such, they prayed to reject the applications.

6. Upon hearing learned counsel for both sides, prima facie the record indicates that it is a case of over implication. Since the alleged incident is dated 22/2/2025 whereas first time on 2/3/2025 the applicants are implicated in the alleged incident. Thus, prima facie, there is unexplained delay while implicating the present applicants. Moreover, considering the number of witnesses the prosecution proposes to examine, the trial will take its own time. In that view of the matter, further incarceration of the applicants would be unjustified and unwarranted. As such, I am inclined to exercise discretion in favour of the applicants by releasing them on bail.

7. Hence the order :

ORDER

(i) Both the Bail Applications are allowed.

(ii) The applicants Vikas Ashok Gavhane and Rutik @ Rutwik @ Sonu s/o Manoj Ghodake be released on bail upon 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.0204/2025, registered at Tophkhana Police Station, District Ahilyanagar for the offences punishable under Sections 140(3), 140(1), 103(1), 61(2), 238 of the Bhartiya Nyaya Sanhita, 2023, now culminated into Sessions Case No.173/2025, pending on the file of learned Additional Sessions Judge, Ahmednagar, on the following conditions that :-

- (a) The applicants shall not tamper with the prosecution witnesses in any manner.
- (b) The applicants shall remain present on each date, unless exempted by the trial Court.
- (c) In the event of breach of the condition, the concerned Court shall consider the application of the prosecution for cancellation of bail notwithstanding the fact that this

Court has passed this order of granting bail to the applicants.

(iii) Needless to state that, the observations rendered herein are confined to the present application, and the trial Court shall not be influenced by the same.

(SACHIN S. DESHMUKH, J.)

fmp/-