

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO.3583 OF 2025**

Tukaram Sagar Ganesh GaikwadApplicant

Vs.

The State of MaharashtraRespondent

Mr. Umesh R. Mankapure i/b Mr. Siyal F. Magdum, for the Applicant.

Mr. Chandrakant D. Mali, APP, for the Respondent-State.

Mr. Avinash Ghorpade, PSI, Sangli City Police Station, Dist-Sangli.

CORAM : MRS. VRUSHALI V. JOSHI, J.

DATED : 2nd FEBRUARY 2026

PC.:-

1. The present Bail Application is filed by the Applicant/Original Accused No. 3 in C.R. No. 159 of 2025 registered with Sangli Rural Police Station, District Sangli, for the offenses punishable under Sections 109(1), 118(2), 351(3), 352, 126(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and under Sections 4 and 25 of the Arms Act, 1959, as well as under Sections 37(1)(3) and 135 of the Maharashtra Police Act, 1951.

2. It is the case of the prosecution that the complainant, Shri Ayaz Mulani, was proceeding along with his friend on 9th April 2025 at about 10.30 p.m. His friend Dattatraya and he were proceeding on

Old Budhagaon Road towards the Valmiki area, Sangli. They noticed three persons armed with weapons like knives quarrelling with a woman who was carrying a small child.

3. The first informant and his friend Dattatraya went there to make an inquiry and to help the woman. At that time, said three persons threatened them to leave the place, failing which they would be killed. One of the persons disclosed his name as Pavan Salunkhe and stated that he was the “don” of the Valmiki area and that no one should obstruct him. Thereafter, said persons attempted to assault the informant Ayaz Mulani by giving a knife blow on his neck; however, he managed to save himself and ran away.

4. Thereafter, Pavan Salunkhe turned towards Dattatraya and stated that he should be killed. Dattatraya started running, but the said persons chased him and one of them assaulted him with a sharp weapon like a knife on his stomach and left thigh. Upon hearing the shouts of the informant, people started gathering at the spot. Thereafter, the accused persons fled away from the spot on a motorcycle.

5. The woman disclosed her name as Shital Mandar Mamulkar and also disclosed the names of the three assailants, on the basis of which the accused persons were identified.

6. Mr. Siyal F. Magdum, learned counsel appearing for the Applicant, submitted that the offence under Section 109 of the Bharatiya Nyaya Sanhita has been registered against the present Applicant, who is only 20 years of age. It is submitted that no specific role has been attributed to the Applicant in the alleged incident. The Applicant is stated to have been merely present with other co-accused persons, who have several criminal antecedents; however, the Applicant does not belong to that category and has no such criminal history.

7. It is further submitted that, as per the injury certificate, the assault history given by the first informant who claims to be an eye-witness attributes the assault to one unknown person, despite the fact that the names of the accused persons are mentioned in the FIR. There is only one grievous injury sustained in the incident.

8. It is also submitted that the only antecedent against the

Applicant pertains to the period when he was a juvenile. On these grounds, learned counsel prayed that the Applicant be released on bail.

9. Mr. Chandrakant D. Mali, learned APP, opposed the Application and submitted that the Applicant was present along with the other co-accused and that all the accused persons actively participated in assaulting the injured. It is submitted that the injury was inflicted on the stomach, which is a vital part of the body, and that the said injury is grievous in nature.

10. It is further submitted that the Applicant has criminal antecedents and that a knife has been recovered at the instance of the present Applicant. Learned APP further submitted that if the Applicant is released on bail, there is a strong possibility of his committing a similar or serious offense. On these grounds, learned APP prayed for rejection of the Application.

11. Heard both counsel.

12. The Applicant is 20 years of age and is stated to have been in the company of persons having a criminal background. On perusal of

the record, it appears that although there are eye-witnesses to the incident, no specific role has been attributed to the present Applicant by any of the witnesses with regard to assaulting the injured on the stomach.

13. Considering the tender age of the Applicant and the fact that only one crime was registered against him when he was a juvenile, it would not be appropriate to keep the Applicant in custody along with hardened criminals at this stage. Further, having regard to the role attributed to the Applicant and the fact that the injured has already been discharged from the hospital, a case for grant of bail is made out.

14. Accordingly, the Applicant is released on bail, subject to the condition that he shall not enter the entire Sangli District till completion of the trial. The Applicant shall be permitted to enter the District only for the purpose of attending the trial. Hence, the following order :-

ORDER

- (i) The Application is **allowed**.

- ii) The applicant, namely, Tukaram Sagar Ganesh Gaikwad shall furnish personal bond of Rs.25,000/- with his recent self-attested photograph and surety of the like amount on the following conditions at the satisfaction of the investigating officer;
- iii) The applicant shall attend the Investigating Officer of Sangli City Police Station once in a month, every Monday between 11.00 a.m. and 1.00 p.m;
- iv) The Applicant shall cooperate with the investigation and make himself available for interrogation whenever required;
- v) The applicant shall not directly or indirectly make any inducement, threat or promise to any witness acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any Police Officer;
- vi) The applicant shall not obstruct or hamper the police investigation and not to play mischief with the evidence collected or yet to be collected by the police;
- vii) The applicant shall maintain law and order;
- viii) The applicant shall, at the time of execution of the bond, furnish his residential address and contact

number to the Investigating Officer, and the Court concerned, and shall not change the residence till the final disposal of the case;

x) The applicant shall regularly remain present during the trial, and cooperate with the Hon'ble Court to complete the trial for the above offenses.

(MRS. VRUSHALI V. JOSHI, J.)