

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3749 OF 2025

Pramod Ramchandra Gaikwad

VERSUS

The State Of Maharashtra

WITH

INTERIM APPLICATION (ST) NO.260 OF 2026

IN

BAIL APPLICATION NO.3749 OF 2025

Seema Vilas Gaikwad

In the Matter in Between :

Pramod Ramchandra Gaikwad

Vs.

The State of Maharashtra

WITH

CRIMINAL BAIL APPLICATION NO. 3492 OF 2025

Sanjay Alias Sonya Devendra Gaikwad

VERSUS

The State Of Maharashtra

WITH

CRIMINAL BAIL APPLICATION NO. 3493 OF 2025

Samarsenjit Alias Tipu Pramod Gaikwad

VERSUS

The State Of Maharashtra

Mr. Satyavrat Joshi A/W Mr. Yash Fadtare, Mr. Sairaj Suryawanshi
and Mr. Vaibhav H. for the Applicants.

Mr. Anand S. Shalgaonkar APP for the State in BA 3493/2025.

Mr. Nitin B. Patil APP for the State in BA/3749/2025 and
BA/3492/2025.

CORAM : SACHIN S. DESHMUKH, J.
DATE : 11th MARCH 2026.

P.C.

1. The applicants seek regular bail in connection with C.R. No. 01 of 2025 dated 01/011/2025 registered with Sadar Bazar Police Station, District Solapur for the offences punishable under Sections 103(1), 109, 118(1), 118(2), 115(2), 189(2), 189(4), 109, 191(2), 191(3), 351(2), 351(3), 352 and 74 of the Indian Penal Code.

2. The prosecution case is that on 01.01.2025, in the midnight at about 12:30 hours, the first informant, her son and friends were scheduled to travel to Bhima Koregaon, Pune. The individuals residing in the same vicinity were standing near Buddha Vihar. It is further alleged that at around 1:00 p.m., accused no.6 and applicant - Pramod Ramchandra Gaikwad approached the informant. At that time, accused No.6 was allegedly intoxicated and under influence of liquor, applicant - Pramod Gaikwad assaulted witness - Aditya with a belt. During the said altercation, the informant and the witnesses intervened in the assault. The applicant - Pramod Gaikwad and the co-accused procured weapons, like, iron rod, wooden log and assaulted with intention to kill, thereby caused grievous injuries to the injured. Accused abused and intimidated the persons, who attempted to intervene and pacify the situation. Injured - Vaibhav was severely assaulted and succumbed to death. Hence, the report.

3. Learned counsel for the applicants submits that the applicants are falsely implicated in the alleged crime. There is no motive nor enmity between the applicants and deceased to commit the alleged act. It is further submitted that the name of the applicant – Samarsenjit was disclosed during investigation in the supplementary statement of the informant. Therefore is a possibility of over implication. Since, the investigation is complete and charge-sheet is filed, further incarceration of the applicants is not warranted.

4. Per contra, learned APP for the State and learned counsel for the Intervenor/informant submit that the applicants are involved in the brutal murder of the deceased. The necessary recovery is carried at their instances and statements of witnesses are recorded, indicating their complicity. It is further submitted if the applicants are released on bail, there is a possibility of them, fleeing away or threatening or influencing the witnesses.

5. Having heard the submissions of the respective sides and upon perusal of the record including the charge-sheet indicates that the applicants are charged for a serious offence of murder and the alleged altercation has resulted into several others being severely injured including the informant.

6. At this juncture, the Honourable Apex Court, in the case of **Kalyan Chandra Sarkar and Ors. Vs. Rajesh Ranjan and Ors. [(2004)7**

SCC 528], while laying down the guidelines for grant or refusal of bail in serious offences like murder, has observed as under :

7.

“11. The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.

(b) Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.

(c) Prima facie satisfaction of the court in support of the charge. (See Ram Govind Upadhyay v. Sudarshan Singh and Puran v. Rambilas.)

8. Similarly, the Hon’ble Apex Court in case of ***Pralhad Singh Bhati vs. NCT, Delhi [(2001)4 SCC 280]***, held that on satisfaction of prima facie evidence establishing the guilt of the accused, the bail can be denied.

9. The Honourable Apex Court in case of ***Ram Govind Upadhyay vs. Sudarshan Singh [(2002)3 SCC 598]***, has held that a judicial discretion in granting bail must not be exercised whimsically, especially in heinous offences.

10. Equally, the Hon'ble Apex Court, in the case of ***State of UP through CBI Vs. Amaramani Tripathi [(2005)8 SCC 21]***, has held that the Court must evaluate the *prima facie* evidence showing the applicant's involvement. If such evidence is credible and supports the accusations, bail may be refused.

11. The Honourable Apex Court, in the case of ***Prasanta Kumar Sarkar Vs. Ashis Chatterjee [(2010) 14 SCC 496]***, has held that the mechanical grant of bail reflects non-application of mind, and outlined eight crucial factors to be considered, including reasonable ground for belief in guilt, nature of evidence and possibility of justice being thwarted.

12. In light of the aforesaid precedents, further perusal of the record *prima facie* indicates that the applicant – Pramod is the prime accused in the crime, who along with co-accused committed a pre-mediated assault on the informant and her companions. The alleged act involves the use of the lethal weapons such as iron rod and wooden sticks which are recovered by the investigating agency.

Moreover, applicant – Pramod has a reputation for being a rogue and has prior criminal antecedents registered against him.

13. As far as the applicant – Samarsenjit is concerned, he is alleged to have hit the head of the deceased with a blow of tile. The said fact is corroborated by the statement of witnesses. Moreover, the post-mortem report further substantiates the said fact since the case of death is reported to be by a head injury.

14. The aspect of delay in leveling allegations against applicant – Samarsenjit is attributed by the informant to her hospitalization and other funeral rites. As such, the delay is plausible and explained by the informant and cannot be sole basis to disbelieve the account. Particularly, when other witnesses affirm the same.

15. Thus, in view of the aforesaid discussion, a *prima facie* case is established against the applicants indicating their complicity. Given the pre-planned nature of offence, nature of weapons used, the injuries sustained by the victims and the prior history of applicants, in totality does not warrant exercise discretion in favour of the applicants.

16. Accordingly, the Bail Applications are rejected.

17. In view of disposal of bail applications, interim application does not survive and stands disposed of.

(SACHIN S. DESHMUKH, J.)