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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL BAIL APPLICATION NO. 3894 OF 2026

Ritesh Rajendra Gaikwad .. Applicant

Versus

The State of Maharashtra .. Respondent

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- Mr. Rahul Walwekar i/b Mr. S. Yadav, for the Applicant.
- Mrs. Rajeshree Newton, APP for the Respondent - State.
- Mrs. Kshama Bhambere, Police Constable, Warje Malwadi Police Station, Pune

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 14, 2026

P.C.:

1. Heard Mr. Rahul Walwekar, learned Advocate for Applicant and Mrs. Rajeshree Newton, learned APP for Respondent.

2. This is an Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking bail in connection with C.R. No.444 of 2025 registered with Warje Malwadi Police Station, Pune for offences punishable under Sections 105, 118(1), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short "BNS").

3. The case of the Applicant before me is squarely covered by the decision of this Court in Bail Application No. 3662 of 2026, as the Applicant is one of the accused persons arraigned in the same crime.

4. A group of friends, including the deceased victim, were at the petrol pump station, where they had parked their motorcycle in the wrong lane. This led to a confrontation with the employees of the petrol pump, ending in a free-for-all fight.

5. The CCTV footage has fully captured the entire episode and incident, a copy of which is appended to the Application. The role of each of the accused persons is also clearly seen.

6. Insofar as the Applicant is concerned, he was an employee of the petrol pump who was instigated and provoked by the acts of the victim and his friends, while the victim's own friends also attempted to correct him. It is also seen that the victim was in an intoxicated condition, which is proved by the Post-Mortem report. More importantly, considering that the incident in question was not premeditated and happened at the spur of the moment, and that the other co-accused persons attempted to resuscitate the injured victim and they themselves carried him to the hospital for medical treatment, I am inclined to consider the case of the Applicant for bail on the ground of parity. The Applicant is released on bail.

7. Hence, in view of above *prima facie* observations and findings, Bail Application of Applicant is allowed subject to the following terms and conditions:-

(i) Applicant is directed to be immediately released from

prison in connection with CR. No.444 of 2025;

(ii) Applicant is directed to be released on bail on furnishing P.R. Bond of Rs.20,000/- (Rs. Twenty Thousand only) with one or two sureties in the like amount;

(iii) Applicant shall report to the Investigating Officer at concerned Police Station, once every month, on the first Sunday of the month between 10:00 a.m. to 12:00 p.m. until commencement of trial and thereafter shall attend all dates of hearing before the Trial Court;

(iv) Applicant shall cooperate with the conduct of the trial and remain present before the Trial Court on all dates, unless specifically exempted. Applicant shall not seek unnecessary adjournments. Any such conduct shall entitle the prosecution to apply for cancellation of bail;

(v) Applicant shall not leave the State of Maharashtra without prior permission of the Trial Court;

(vi) Applicant shall not influence any of the witnesses or tamper with the evidence in any manner;

(vii) Applicant shall keep the Investigating Officer informed of his current residential address and mobile telephone

number and shall forthwith inform the Investigating Officer of any change in his residential address or mobile telephone number, as and when such change occurs; and

(viii) Any breach or infraction of any of the aforesaid conditions shall entail cancellation of the bail granted to the Applicant.

8. It is clarified that the observations made in this order are limited for the purpose of granting bail only and I have not made any observations on merits of the case. The trial shall be adjudicated on the strength of the evidence led and strictly on its own merits being uninfluenced with any of the *prima facie* observations made hereinabove in this order.

9. Bail Application is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]