

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO.3661 OF 2025

Vicky @ Vikas Somnath Gaikwad ...Applicant

V/s.

The State of Maharashtra ...Respondent

Mr. Aniket Vagal/w Adv. Savvy Kolhekar & Adv. Juhi Kadu, for the
Applicant.

Smt. Madhavi H. Mhatre, APP for the Respondent-State.

CORAM : SHYAM C. CHANDAK, J.

DATED : 6th FEBRUARY, 2026

P.C. :-

. Present Application seeking release of the Applicant on bail in CR No.168 of 2024 registered with Lasalgaon Police Station, Nashik under Sections 109, 118(1), 189(2), 189(4) 190, 191(2), 191(3), 351(2), 351(3), 351(4) 352, 61(2)(a) and Section 103 of Bharatiya Nyaya Sanhita 2023, on the report of informant Santosh Dhokrat.

2) Heard Mr. Vagal, the learned Counsel for the Applicant and Smt. Mhatre, the learned APP for the Respondent-State. Perused the record.

3) The prosecution case is that, Snehal Gite is niece of informant- Santosh Dhokrat. About 5 to 6 months prior to the incident, a matrimonial dispute had occurred between Snehal and her husband Sachin Kokate. Snehal used to reside in the neighbor of the informant and they were on visiting terms. Therefore, Sachin had developed misunderstanding that

informant's brother Krushna was poisoning Snehal's mind against him, therefore Sachin had developed hatred against Krushna. Consequently, Sachin used to threaten Krushna that he would kill him. Similarly, Sachin's friends Rahul *alias* Domya Subhash Aher and the Applicant used to abuse and threaten Krushna and others in the family by visiting them and over the phone. However, the matter was never reported to police due to said relationship with Snehal.

4) On 01/07/2024, at about 12.30 p.m., Krushna and one Amol Madhukar Rukari had gone to Lasalgaon as Krushna wanted to repair his mobile. At about 5.30 p.m., when informant was at village Shirasgaon Lauki, his cousin Pradip Dhokrat telephonically informed him that, Krushna was brutally assaulted by someone at village Khedale Zunge. Therefore, the informant and his wife went to the spot riding on a motorcycle. Informant's father was present there, who informed him that Krushna was assaulted there and he was removed to a private hospital at Niphad by Pravin and Amol Rukari. Meanwhile, the informant learnt from Pravin that since Krushna was serious he was taken to Sahyadri Hospital at Nashik. Therefore, he went there. At that time, on inquiry, witness Amol Rukari disclosed that, on that day, at about 12.30 p.m., when he and Krushna were returning from Lasalgaon, the Applicant and the co-accused Rahul Aher were present on road at the village Khedale Zunge and they signaled them to stop. Therefore, they stopped there. The Applicant then raised a dispute with Krushna alleging that, he was helping Snehal against

his advise. Then, co-accused Rahul Aher removed a sickle and wooden rod from Eeco car standing there. Four more persons who were seated in the car also alightened. All of them were drunk. Then all the six assailants surrounded the deceased. The Applicant assaulted Krushna with a wooden rod and accused Rahul Aher inflicted blows with a sickle. One of the co-accused took the sickle from the hand of Rahul and assaulted Krushna. The other three co-accused gave him fists and kick blows. Amol Rukari further disclosed that he got frightened due to said assault and ran way. He then phoned Pravin and returned to the spot. Hence, on 03/07/2024 informant Santosh Dhokrat filed the complaint narrating the aforesaid incident. Accordingly, the present crime came to be registered.

5) The Applicant was arrested on 03/07/2024. On completion of investigation, charge-sheet came to be filed. The trial Court rejected the Bail Application of the Applicant.

6) Mr. Vagal, the learned counsel for the Applicant submitted that, although the alleged incident occurred on 01/07/2024, at about 12.30 p.m., the complaint was filed by the informant on 03/07/2024. The said eyewitness Amol Rukari was available since the time of the occurrence, yet his statement was recorded on 06/07/2024, *i.e.*, three days after filing of the complaint. Although, there are statements by the witnesses that the deceased had given them his oral dying declaration naming the assailants, said statements were also recorded belatedly. He submitted that, as per the statement of the eyewitness Amol Rukari, the Applicant had given sword

stick blow on the stomach of Krushna. But, as stated in the complaint, the Applicant had assaulted the deceased by means of a wooden rod. He submitted that, the medical evidence indicates that all the injuries were caused by sickle and wooden rod. No sword stick was recovered during the course of the investigation. In the backdrop, Mr. Vagal urged that there is no *prima facie* case against the Applicant showing his involvement in the murder. Therefore, bail may be granted.

7) In reply, Smt. Mhatre, the learned APP vehemently submitted that, in his statement Amol Rukari has categorically stated that, Applicant was one of the assailants and he had stabbed Krushna with the sword stick. Thereafter, in the dying declarations before the two witnesses, the deceased had stated that, the Applicant and co-accused Rahul and the other accused persons assaulted him by means of wooden rod, sickle and *gupti*. In view of this evidence, there is a *prima facie* case of the murder against the Applicant. As such, the infirmities pointed out by the learned counsel for the Applicant cannot be viewed seriously so as to grant the bail.

8) I have considered these submissions in the light of the record and I have found substance in the submissions made by the learned Counsel for the Applicant. In this regard, it is noticed that according to witness Pravin Dhokrat, on 01/07/2024, at about 5.30 p.m., Amol Rukari had phoned him and informed that somebody had brutally assaulted to Krushna and said him to come soon to the spot. This same information was conveyed to the complainant. Meaning thereby, the assailants were unknown to Amol

Rukari. Admittedly, Krushna was admitted at Sahyadri hospital on 01/07/2024, at about 7.58 p.m. with the history of assault by known persons. At that time, a police constable was present there. However, neither any relative of Krushna nor the said police filed a complaint of the murder. The eyewitness Amol Rukari was available in the hospital yet, his statement was recorded on 06/07/2024. According to Amol Rukari, the Applicant gave a sword stick blow to the deceased, but, as per the complaint, only wooden stick was used by the Applicant to assault the deceased. The injury certificate issued by Sahyadri Hospital, Nashik noted that the deceased had sustained frontal, temporal and parietal comminuted fracture, compound with underlying brain contusions. There was subdural hematoma with contused brain. As per the postmortem report, there were total 18 injuries on the body of the deceased. The cause of the death was Cranio-Cerebral damage due to multiple sharp injuries over head. Therefore, the learned counsel for the Applicant submitted that in such a critical condition it was impossible for Krushna to give the alleged dying declaration after a couple of hours of the alleged assault.

9) In view thereof, whether the Applicant was involved in the murder or not is a question of trial. As per the dying declarations, the A-1 Balu Kokate and Sachin Kokate had given the contract of the murder and accordingly the Applicant and his co-accused persons committed the murder. But Sachin Kokate is granted bail by the trial Court and Balu Kokate is granted bail by this Court.

10) In the result, I am inclined to allow the Application. Hence, the following Order is passed.

:: ORDER ::

- (a) Application is allowed.
- (b) The Applicant - Vicky @ Vikas Somnath Gaikwad is directed to be released on bail in connection with CR No.168 of 2024 registered with Lasalgaon Police Station, Nashik on his executing P.R. Bond in the sum of Rs.1,00,000/- with one or two sureties in the like amount.
- (c) The Applicant shall report to Lasalgaon Police Station, Nashik on 1st and 16th date of each calendar month, between 10:00 a.m. to 01:00 p.m., till conclusion of the trial.
- (d) The Applicant shall attend before the trial Court on each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
- (e) The Applicant shall not tamper with the prosecution evidence and shall not directly or indirectly influence upon the prosecution witnesses to prevent them from deposing against him.
- (f) The Applicant shall not commit any offence.
- (g) The Applicant shall not leave the territorial jurisdiction of Nashik district without permission of the trial Court.

- (h) Before his release from jail, the Applicant shall provide his contact number to the trial Court and the police, so that he can be contacted in case of his absence during pendency of the case.
 - (i) If the Applicant disobeyed any of the above conditions, the bail granted herein shall stand cancelled without further reference to this Court or the trial Court.
- 11) Bail Application is disposed of in aforesaid terms.
- 12) It is made clear that, the observations made herein are *prima facie* in nature for deciding the present Bail Application. The trial Court to decide the said case on its own merits, in accordance with law, uninfluenced by the observations made in this Order.

(SHYAM C. CHANDAK, J.)