


MHAU050007412026 	State of Maharashtra V/s. Annasaheb Bhanudas Gaidhane & Ors.
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**ORDER BELOW BAIL APPLICATION (EXH.4) IN R.C.C. NO.129/2026**

By this application **accused No.2 - Kiran Annasaheb Gaidhane** is seeking bail from the offences punishable under Sections 118(2), 118(1), 115(2), 351(2), 351(3), 352 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023 on the ground of change-in-circumstances in view of filing of charge-sheet. Learned A.P.P. has filed say at **Exh.5** and thereby strongly opposed the application.

**2.** Perused charge-sheet. Heard Ld. Advocate Mr. J. D. Haridas for applicant/accused No.2 and Mr. G. L. Kulkarni, Ld. A.P.P. for State.

**3.** Learned Advocate for accused No.2 submitted that the accused is in jail since 24.12.2025. It was alleged that the offence took place on 14.12.2025 at about 02.00 p.m., but the offence was registered on 15.12.2025 at about 10.00 a.m.. Delay of 20 hours was occurred by the informant to lodge the complaint, this act creates doubt on the genuineness of the complaint. There is previous civil litigation in between the parties. This fact itself sufficient to say that the said informant filed false complaint against the accused. It is the nature of human being that when there is previous litigations, possibilities of raising false complaint are natural. Therefore, the informant along with his close relatives filed false complaint against

the present accused. The accused is innocent and he was falsely implicated in the present crime. There is no criminal antecedents against accused. The accused is having good reputation in the village. The entire investigation is completed. The accused No.1 was released on bail by this Court. Thereafter, Accused Nos. 2 to 4 have filed bail application before the Hon'ble Sessions Court, Vaijapur. The said bail application was rejected. Thereafter, the accused persons were approached to the Hon'ble High Court for grant of bail along with accused Nos. 3 & 4. The bail application to the extent of present accused was withdrawn. The Hon'ble High Court has released the accused Nos. 3 & 4 on bail. Now, the physical custody of the accused is not required. Now, the charge-sheet is filed and it will take much time to complete the trial and therefore, in view of change-in-circumstances, accused No.2 Kiran Gaidhane deserves to be released on bail.

4. On the other hand, Ld. A.P.P. submitted that under the common intention, accused voluntarily caused hurt to the informant. Therefore, informant sustained grievous injuries. There is dispute between informant and accused on account of agricultural field. The previous bail applications of the present accused were rejected by this Court and Hon'ble Sessions Court and the bail application to the extent of the present accused was withdrawn from the Hon'ble High Court. If accused is released on bail, he will threaten to the informant as well as witnesses. Mere filing of charge-sheet is not the ground of change-in-circumstances. Filing of charge-sheet itself shows that I.O. has found prima facie material against the accused. It is further

submitted that there is every possibility that if the accused is released on bail he would tamper with prosecution's evidence including pressurizing the witnesses.

5. As per prosecution case, Informant Vitthal Nanasaheb Gaidhane lodged the report. It is alleged that on 12.12.2025, at 04.00 p.m., when he went to his field, he saw that damage was caused to his cotton crops by the tractor of accused No.1. Therefore, he went to him and asked him as to why he had taken his tractor from his cotton crop field. At that time, applicant/accused No.2 threatened him. Thereafter, on 14.12.2025, accused No.1 called him. Accordingly, informant and his brother went to his field. All accused came there along-with an axe, sickle and iron pipe and assaulted him by alleged weapons. When his brother tried to intervene the quarrel, all accused also assaulted him and threatened them to kill. Hence, informant had lodged F.I.R. No.387/2025 against the accused persons.

6. It is admitted position that bail application of applicant/accused No.2 came to be rejected by this Court and Hon'ble Sessions Court. The bail application of the present accused was withdrawn from the Hon'ble High Court. Perusal of order of Hon'ble High Court dated 04.02.2026 in Criminal Application No.476/2026 in Bail Application No.41/2026 clearly shows that the bail application was withdrawn to the extent of accused No.2. It is well settled principle of law that mere filing of charge-sheet is not the change-in-circumstances. On the other hand, filing of charge-sheet itself shows that there is prima facie strong evidence against

the accused. The Hon'ble Apex Court in the case of **Virupakshappa Gouda V/s. State of Karnataka, AIR 2017 SC 1685**, was pleased to held in para No.13 that mere filing of charge-sheet does not amount to change-in-circumstances, as under;

*“13. On a perusal of the order passed by the learned trial Judge, we find that he has been swayed by the factum that when a charge-sheet is filed it amounts to change of circumstance. Needless to say, filing of the charge-sheet does not in any manner lessen the allegations made by the prosecution. On the contrary, filing of the charge-sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons.”*

7. Considering the seriousness of offences, rejection of bail application of accused No.2 by this Court and the Hon'ble Sessions Court, and withdrawal of the application from the Hon'ble High Court, it appears that there is specific role of accused No.2 in the commission of present crime. There is prima facie evidence of the involvement of the accused in the present crime. There is possibility of tampering with the prosecution evidence including pressurizing prosecutions witnesses. Hence, I do not find merits in the application. Accordingly, I pass following order;

**ORDER**

Application Exh.4 is hereby rejected.

Date :- 27.02.2026  
Place :- Vaijapur.

N. S. Kale,  
Judicial Magistrate F.C., Vaijapur.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

<b>Name of the Stenographer</b>	Shubham B. Jadhav, Stenographer (Grade-III).
<b>Court</b>	Shri. N. S. Kale, Judicial Magistrate First Class, Vaijapur, Dist. Aurangabad.
<b>Order passed on</b>	27.02.2026
<b>Order signed by Presiding Officer on</b>	27.02.2026
<b>Order uploaded on</b>	27.02.2026