

MHAU160004542026

**Cri. Bail Application No.34/2026****Harsh Anil Gaikwad****Vs.****The State of Maharashtra****ORDER BELOW EXH.1**

Applicant - **Harsh Anil Gaikwad** has filed this application for grant of bail U/sec.483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with C.R.No.77/2026 U/Sec.109, 115(2) and 352 read with Sec.3(5) of the Bharatiya Nyaya Sahinta, 2023 registered at Gangapur Police Station, Tq. Gangapur, Dist. Chh. Sambhajinagar.

**[2]** Prosecution case in short is as follows:-

On 23.02.2026 at about 03:45 p.m. injured – Akshay was proceeding towards Shivaji Chowk by motorcycle. On the way the accused including the applicant came there and gave him abuses. They also threatened him that, they will not spare him. Therefore, injured – Akshay started to run away and came in front of one Vintek Xerox shop. At that time, accused - Deepak Salve assaulted Akshay by knife on his stomach, whereas the applicant and other accused persons beat him by fist and kick blows. Many

people gathered there. Therefore, accused and applicant fled away. Injured – Akshay was taken to Government Hospital, Gangapur. His brother – Shubham came there. Injured – Akshay narrated him the incident. Shubham lodged FIR. Accordingly, crime vide C.R.No.77/2026 came to be registered. The applicant came to be arrested on 26.02.2026. Now, he is in Judicial custody. Hence, he has filed this application for grant of bail.

[3] I have heard both the sides and perused the material placed on record.

[4] Ld. Advocate for the applicant submitted that even if the contents of the F.I.R. are taken as true and correct, it will reveal that the applicant only beat injured – Akshay by fist and kick blows. After the medical treatment the injured – Akshay was discharged from the hospital and he is out of danger. The I.O. has seized nothing from the applicant. Investigation of the crime is almost completed. Nothing remained to be recovered or discovered from the applicant. There is no criminal antecedent against him. He is permanent resident of MHADA Colony, Gangapur. He is ready to abide all the terms and conditions which will be imposed by this court. On these grounds, he prayed for grant of bail.

[5] On the other hand, Ld.APP submitted that, nature of the offence is serious. FIR and statements of injured witness show that, in commission of the offence the applicant has played active

role. He beat injured - Akshay by fist and kick blows. In these circumstances, if the applicant is released on bail possibility of absconding of the applicant and tampering with prosecution evidence cannot be ruled out. On these grounds, he prayed for rejection of the application.

[6] On perusal of the material placed on the record it appears that, at the time of incident the applicant was present on the spot and he allegedly to have been beat injured - Akshay by fist and kick blows. After the medical treatment the informant was discharged from the hospital and he is survived. Therefore, considering nature of the role played by the applicant in this crime offence cannot be escalated to higher count. The I.O. has seized nothing from the applicant. Investigation of the crime is almost completed. Nothing remained to be recovered or discovered from the applicant. There is no likelihood of commencement of trial in this matter in near future. No purpose of the prosecution would be sufficed by keeping the applicant behind the bars for indefinite period. The applicant is permanent resident of MHADA Colony, Gangapur, having no criminal antecedent. His presence can be secured by imposing certain terms and conditions.

[7] Having regard to the above mentioned facts and circumstances, I am of the opinion that the applicant is entitled to be released on bail. In the result, the application deserves to be allowed. I, therefore, pass the following order:-

**O R D E R**

[1] Applicant- **Harsh Anil Gaikwad** be released on his executing P.R. Bond of Rs.30,000/- (Rs.Thirty Thousand only) with one or more sureties of like amount on conditions that:-

(a) he shall remain present at Gangapur Police Station on every Sunday from 11 a.m. to 1.00 p.m., till next 60 days or filing of charge-sheet whichever is earlier.

(b) he shall not tamper with the prosecution evidence and shall co-operate with the police machinery as and when require.

(c) he shall produce on record proper proof of his permanent residence at the time of furnishing bail.

[2] Bail before the learned Magistrate Court, if charge-sheet is not committed to the Court of Sessions.

[3] Issue letter accordingly.

Date - 13.03.2026

( **S. B. Bahalkar** )  
Addl. Sessions Judge, Gangapur