

**ORDER BELOW EXHIBIT NO.15**

The applicant / accused no.2 namely Arun Kamraj Gaikwad has filed this first application for grant of bail under Section 483 of the B.N.S.S. in connection with Crime No.388/2025 registered with Shivaji Nagar police station, Latur for the offences punishable under Ss. 109, 351(3), 352, 3(5) of B.N.S., 2023.

2. According to advocate of applicant / accused no.2 , the applicant / accused no.2 has not committed alleged offence. The alleged role of accused no.2 and 3 as mentioned in FIR and Charge-sheet is the same. The Hon'ble Bombay High Court, Bench at Aurangabad has allowed bail application of accused no.3. Hence, on the ground of parity applicant is entitled for bail.

3. It is further submitted that, there is 01 day delay in lodging the FIR. There is no justifiable ground for the delay. Present applicant / accused no.2 has been falsely implicated in the crime by informant. The applicant / accused no.2 is not involved directly or indirectly in this crime and there are no specific allegations against him about whom he assaulted. Further that the alleged assault by accused no.2 is not on any vital part of the informant and injured witnesses. Hence Section 109 of B.N.S.

does not apply against accused no.2/ applicant. The I.O. had prayed for M.C.R. instead of P.C.R. on first production of applicant before the Magistrate. Nothing is recovered from the accused no.2 and also there is no evidence against accused. The present accused is in jail since 2 and 1/2 months. Investigation is completed and charge-sheet has been filed. Hence, there is no question of any tampering of evidence by accused no.2. He is local resident. He is not a previous convict nor has any criminal antecedents. He is ready to abide by all the conditions which may be imposed by this Court for grant of bail. Hence, he prayed that application be allowed.

4. Instant application has been strongly opposed by the Ld. A.G.P. for State and also by the I.O.. According to them the offences are serious in nature. He accompanied accused no.1 to the spot of crime with a knife. He used the knife in the crime. If accused/ applicant is released on bail there is every likelihood that he will threaten the injured / eye witnesses. They further submitted that accused may tamper with the evidence or influence / pressurized the eye witnesses. Also there is likelihood he may abscond if released on bail. Hence, they prayed that application may be rejected.

5. After hearing both the sides and on perusal of the charge-sheet and the documents filed by advocate for applicant on record it reveals that the applicant / accused no.2 has been charge-sheeted for offences punishable under Sections 109, 351(3), 352, 3(5) of B.N.S., 2023. He is not the main accused but

he accompanied the main accused for committing the alleged crime. The other accused against whom there are similar allegations i.e. accused no.3 Ajay Rajkumar Birajdar has been granted bail by the Hon'ble High Court. Hence, the ground of parity is also available to present applicant.

6. The charge-sheet does not reveal that the applicant / accused assaulted the informant or the injured them on their vital body so as to cause likelihood of death which is one of the ingredient to attract offence under Section 109 of B.N.S. Act. The injury on back alleged to be inflicted by applicant is a simple injury. There is no recovery of weapon from the possession of present applicant / accused. No specific role in the commission of crime is attributed to present accused. Investigation is complete. Charge-sheet has been filed. Custody of applicant is not required by the investigation agency. The say filed by prosecution does not reflect that applicant / accused is a previous convict or a history sheeter. He appears to be local resident. He is ready to abide by all terms and conditions imposed by this Court for grant of bail. In view of the above reasons bail to accused applicant is justified. Hence, the following order :

ORDER

- 1) This application is allowed.
- 2) The applicant/ accused no.2 namely Arun Kamraj Gaikwad be released on bail on executing the PR bond of Rs.50,000/- (Rs.Fifty

Thousand only) with one or two local solvent sureties, in the like amount surety of like amount in Crime No.388/2025 registered with Shivaji Nagar Police Station, Latur for the offence punishable under Ss.109, 351(3), 352, 3(5) of B.N.S., 2023.

- 3) The applicant shall not pressurize the witnesses and tamper with the prosecution evidence, in any manner.
- 4) The applicant shall attend the trial on each and every date unless exempted by the trial Court and shall not leave the area of jurisdiction of the concerned police station till conclusion of the trial.
- 5) The applicant shall submit on record copy of Aadhar card, Pan Card, detailed address and phone numbers of himself and of two of his near relatives as per Criminal Manual Chapter- I, Para 12(1).
- 6) In case of breach of any of the conditions by the applicant, it is open for the prosecution to move this Court seeking cancellation of bail.
- 7) Bail before this Court.

Sd/-

(R.B. Bhagwat)

Additional Sessions Judge-2,
Latur.

Date : 02/03/2026