

MHNS010012972026



**ORDER BELOW EX. 01 IN CRIMINAL BAIL APPLICATION  
NO. 312 OF 2026**

(Dhiraj Ashok Gavai vs. The State of Maharashtra through Indira  
nagar Police Station, Nashik)

The applicant/accused prayed for his release on bail under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with the Crime bearing No. 06 of 2026 registered with Indira nagar Police Station for the offences punishable under sections 109, 115(2), 352, 189(1), 190 and 191 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

02] The survey of prosecution case would reveal that the informant in his complaint *inter alia* alleged that on 04.01.2026, at about 02.30 p.m., while he was proceeding to the house of his aunt Jyoti Gaikwad by walk, the accused persons namely Sonu Nikam, R. Y. Elmame, Rutik, Avinash and his two colleagues approached him on motor cycle. Sonu Nikam stated that as to why the informant had followed them to Shirdi and started assaulting him with fist and kick blows. They also hurled filthy abuses. Accused Sonu was armed with sickle and aimed its blow on right side of his ribs. However, he evaded the blow. While averting the blow, he sustained bleeding injury on right elbow of his hand. They have attempted to commit his murder.

As the informant raised shouts, the accused persons fled away from the spot. Hence, the complaint.

03] The bail is prayed mainly on the ground that neither the name of the applicant is reflected in the FIR nor any overt act is attributed to him and he has been implicated merely being a friend of accused No. 1 Sonu. It is further contended that there is no recovery at the instance of the applicant. There are no criminal antecedent to the discredit of the applicant. He has fixed place of abode and has a family to look after. Therefore could not abscond, in the event of release on bail. Hence, prayed for release on bail.

04] The respondent-state has resisted the petition by filing reply *inter alia* contending that the applicant was accompanied with the co-accused and in furtherance of their common intention, they have attempted to commit murder of the informant. The applicant had participated in the incident of assault with kicks and fists blows and in the event of his release, he would tamper with the prosecution evidence and influence the witnesses. Hence, prayed for rejection of petition.

05] Having heard Learned Advocates for the respective parties, the recital of the FIR nowhere disclose the name or identity of the present applicant nor any overact is attributed to him. The incident is dtd. 04.01.2026 and since then, despite lapses of period of more than three months, the I. O. is not in position to ascertain the identity of the applicant or the specific role attributed to him in the commission of purported offence.

Test Identification Parade of the applicant was not held. The reply filed by the I. O. merely disclosed about the involvement of the applicant in the commission of purported offence, without disclosing its particular.

06] The concern of the prosecution can be taken care of by directing the applicant to join investigation if necessary. However, it equally appears that the investigation in the matter has been completed and the charge-sheet has been filed, statements of the witnesses have been recorded and therefore, it appears that further custodial interrogation of the applicant does not warranted.

07] In view of the above, the application deserves to be allowed in terms of order below:

### **ORDER**

- 01] Criminal Bail Application No. 312 of 2026 is allowed.
- 02] The applicants/accused namely Dhiraj Ashok Gavai be released on executing P. B. and S. B. of Rs. 30,000/- (Rupees Thirty Thousand) with one or two solvent surety/ies of like amount in connection with the Crime bearing No. 06 of 2026 registered with Indira nagar Police Station for the offences punishable under sections 109, 115(2), 352, 189(1), 190 and 191 of the Bharatiya Nyaya Sanhita, 2023 (BNS) on following conditions :
  - a) He shall report concern Police Station on every Monday in between 8:00 a.m. to 11:00 a.m. till conclusion of the investigation and filing of charge-sheet.
  - b) He shall not indulge in the similar offences and

shall maintain calm and peace.

c) He shall not directly or indirectly make any inducement, threat, promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer.

d) He shall not tamper the Prosecution witnesses.

e) In the event of breach of any of the conditions as narrated above without any further order, the liberty granted to the above applicant shall stands cancelled.

03] Criminal Bail Application No. 312 of 2026 stands disposed of accordingly.

04] The copy of the order be forwarded to the concern Police Station and Superintendent, Central Jail, Nashik road, Nashik through email for information.

(Pronounced and dictated in open Court).

sd/-xxx

Place : Nashik  
Date : 08.04.2026

(V. V. Kathare)  
Additional Sessions Judge,  
Nashik