

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**3 CRIMINAL APPLICATION NO. 4804 OF 2016**

**MAHESH S/O KASHINATH KALE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

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Mr. N.B.Narwade, Advocate for Applicant.

Mr. S.B.Yawalkar, A.P.P. for Resp. – State.

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**CORAM : A.M.BADAR, J.**

**DATE : 14<sup>th</sup> OCTOBER, 2016**

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**PER COURT :**

1. The applicant/accused in Crime No. 0261/2016 registered at Gangapur police station, Dist. Aurangabad for the offences punishable u/ss 307,141,143,147,148,149,323,506 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

2. Heard the learned counsel for applicant/accused.

He argued that the applicant is 19 years old boy having no criminal antecedents. He has just passed 10<sup>th</sup> standard examination and is prosecuting further studies. Nothing is recovered from the applicant and he is falsely implicated in the crime in question.

3. The learned A.P.P. opposed the application by contending that there are eye witnesses to the crime in question and weapon attributed to the applicant is sword.

4. Perused the charge sheet. The crime in question is registered on the basis of the report lodged by Santosh Ramkisan Bodkhe on 16/06/2016. He along with Amol Shinde are victims of the crime in question. According to the prosecution case, initially on 15/06/2016, present applicant and co-accused indulged in rioting and present applicant had assaulted Amol Shinde by means of a broken bottle of Beer. Then, according to the prosecution case, on 16/06/2016 when the informant Santosh Bodkhe had been to the bed of Godavari river for starting the electric motor, all accused persons, including present applicant, formed an unlawful assembly armed with swords. They all assaulted informant

Santosh Bodkhe by means of sword on vital parts of his body. It is further averred that a country made revolver was whipped out and pointed out on the head of the informant for threatening him.

5. Perusal of the injury certificate shows that Amol Shinde had suffered 2 lacerated wounds which are simple in nature, whereas the informant had suffered about 8 lacerated wounds and abrasions on various parts of his body by hard and blunt object. The Medical Officer reported those injuries to be simple injuries.

6. *Prima facie*, it is seen that nothing is recovered at the instance of present applicant. He is a student prosecuting his studies. He is reported to be just 19 years of age. As such, keeping him in company of hardened criminals will put to no use. Therefore, considering all these aspects, present applicant deserves to be released on bail. Hence, the following order.

(i) The application is allowed.

(ii) Applicant Mahesh s/o Kashinath Kale in Crime No. 0261/2016 registered at Gangapur police station, Dist. Aurangabad for the offences punishable u/ss 307,141,143, 147,148,149,323,506 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 20,000/- [Rupees Twenty Thousand] and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicant shall not tamper the evidence of the prosecution.

(v) The applicant shall co-operate the trial Court in the expeditious disposal of trial against him.

**[A.M.BADAR, J.]**