

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

910 BAIL APPLICATION NO.1202 OF 2020

PAVLAS S/O KACHARU GAIKWAD
VERSUS
STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Kadam Gajanan G.
APP for Respondent-State : Mr. A. S. Shinde.

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CORAM : V. K. JADHAV, J.
DATE : 09.12.2020

PER COURT :-

1. The applicant is seeking regular bail in connection with Crime No.1908 of 2019 registered with Kotwali Police Station, District Ahmednagar for the offence punishable under Sections 307, 353, 333, 354, 224, 511 of the I.P.C. and Section 45 of Prison Act, 1894. His application with similar prayer bearing Criminal Misc. Application No.725 of 2020 came to be rejected by the learned Additional Sessions Judge, Ahmednagar.

2. The learned counsel for the applicant submits that, the investigation is over and the charge-sheet has been submitted in the Court. The applicant is in jail in connection with the present crime since 02.03.2020. At the time of incident, the

applicant was in jail in connection with the other crime and the informant is a Sipahi, working in the jail. It has been alleged in the complaint that the applicant has assaulted the informant with the help of knife and tried to inflict the injury on the neck of the informant, however, the informant has tried to avoid the said blow of knife by raising her hand and accordingly she had sustained injuries on her fingers. It has also alleged that the applicant thereafter tried to flee away by opening the main gate. The applicant has assaulted the informant for collecting the keys of the main gate. The learned counsel submits that though the other inmates were with the applicant at the time of the alleged incident, however, the Investigating Officer has recorded the statement of staff members of the jail. The learned counsel submits that the informant has only sustained the simple injuries. The applicant came to be released on bail in connection with the crime for which he was detained in jail. The applicant has a fixed place of residence. He is easily available for trial. The applicant may be released on bail.

3. The learned APP has strongly resisted the application on the ground that the applicant has assaulted the informant, who

was on duty as a Sipahi with the help of knife and he was about to cause the injury on her neck, however, the blow of knife was landed on the fingers of the informant. The applicant wanted to flee away from the jail by opening the main gate and he has assaulted the informant for collecting the keys of the main gate. The informant has sustained the injuries on her three fingers, when she has obstructed the said blow of knife with the help of her hand. There is a CCTV footage and the entire incident has been recorded in the CCTV footage. The applicant is having a criminal history. The applicant may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge-sheet, though I find the name of the applicant is mentioned in the FIR with a specific role attributed to him, however, it is pertinent to note that the Investigating Officer has not recorded the statement of any inmate. Moreover, the staff members of the jail are not the actual eye witnesses to the incident. According to them, the informant had narrated the incident to them after incident is over. The applicant came to be released on bail in connection

with the another crime from jail. As a matter of punishment, the bail cannot be refused to the applicant. Thus, by imposing certain condition, I am inclined to release the applicant on bail. Hence, I proceed to pass the following order :

ORDER

1. The application is hereby allowed.
2. The applicant PAVLAS S/O KACHARU GAIKWAD in connection with Crime No.1908 of 2019 registered with Kotwali Police Station, District Ahmednagar for the offence punishable under Sections 307, 353, 333, 354, 224, 511 of the I.P.C. and Section 45 of Prison Act, 1894, be released on bail on furnishing P.B. of Rs.20,000/- (Rupees Twenty Thousand only) with one solvent surety of the like amount on the following condition :-
 - a] The applicant shall not tamper with the prosecution evidence in any manner.
3. Application is accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-