

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 703 OF 2021

Ganesh S/o Shashupal Kadam

Applicant

Versus

The State of Maharashtra

Respondent

Mr. P.P. More, Advocate for the applicant.

Mrs. D.S. Jape, APP for respondent/State.

CORAM : M.G. SEWLIKAR, J.

DATE : 27th August, 2021.

PER COURT :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.

2. Prosecution case in brief is that on 16th January, 2021, at about 7.30 pm, applicant was in inebriated condition and demanded money from the informant/injured for drinking liquor. When informant refused, applicant stabbed the informant in the abdomen and chest multiple times. Informant was shifted to the hospital. He underwent surgery. On these allegations, First Information Report came to be lodged on 19th January, 2021, vide Crime No. 16/2021 registered with Chakur Police Station, Dist. Latur, for the offences

punishable under Sections 307, 323, 504 and 506 of the Indian Penal Code.

3. Heard Shri More, learned counsel for the applicant and Smt. Jape, learned APP for the State.

4. Shri More submits that the applicant has no criminal antecedents. Offence took place on account of refusal to pay money to the applicant. He submits that there is no previous enmity between the applicant and the informant. Informant has been discharged from the hospital. Charge-sheet is filed. He, therefore, prays for releasing the applicant on bail.

5. Learned APP submits that though the applicant has no criminal antecedents, he stabbed the informant multiple times on vital parts on trivial ground of not providing money for drinking liquor. Offence is serious in nature. They belong to the same village. If the applicant is released on bail, he is likely to commit similar offence again.

6. Charge-sheet has been filed. Weapon is recovered from

the applicant. Therefore, custody of the applicant is not required. No further complications in the health of the informant are reported. Applicant does not have previous enmity with the injured nor he has criminal background. He will be available for trial. Considering the pandemic situation created by Covid-19 and the fact that trial is not likely to be concluded in near future, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- I) Application is allowed.
- ii) Applicant be released on PR Bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one solvent surety in the like amount in connection with Crime No. 16/2021 registered with Chakur Police Station, Dist. Latur, for the offences punishable under Sections 307, 323, 504 and 506 of the Indian Penal Code, on condition that he shall not enter village of the informant till conclusion of the trial.
- iii) Application stands disposed of.

(M. G. SEWLIKAR)
Judge