

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

**929 BAIL APPLICATION NO.877 OF 2021
WITH CRIMINAL APPLICATION NO.1609 OF 2021
IN BA/877/2021**

Nitin S/o Ramchandra Warade
Age: 29 years, Occu.: Agri.,
R/o.Wadiramasgaon, Tq.Ghansavangi,
Dist.Jalna.

..Applicant

VERSUS

The State of Maharashtra,
For Gond Police Station,
Tq.Ambad, Dist.Jalna.

..Respondent

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Advocate for Applicants : Shri P.V.Mandlik, senior counsel i/b.
Shri Amol S. Gandhi
APP for Respondent : Shri S.P.Sonpawale
Advocate for Informant : Shri D.K.Thote

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CORAM : M.G.SEWLIKAR, J.

DATE: 3rd September, 2021

PER COURT:-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail.
2. The allegations against the applicant are that on 29th March, 2021 at about 09:30 to 10:00 p.m., the informant was returning home after watering his field. He heard some noise at tin shade of accused Shailesh Warade. Therefore, the informant stopped his motorcycle there. Accused Shailesh Warade, accused Pradeep Warade and the applicant came there in inebriated condition. Accused Shailesh said to the informant as

to why he stopped there and threw a stick towards the informant which hit the motorcycle. Accused Pradeep abused the informant and kicked the motorcycle. Applicant came there and stabbed the informant in abdomen. On these allegations, First Information Report came to be lodged, on the basis of which Crime No.108 of 2021 came to be registered with Gondli Police Station, District Jalna, under Sections 307, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. Heard Shri P.V.Mandlik, learned senior counsel instructed by Shri Amol S.Gandhi, learned counsel for the applicant and Shri S.P.Sonpawale, learned APP for the respondent-State.

4. Shri P.V.Mandlik, learned senior counsel for the applicant submitted that charge-sheet has been filed. Applicant is behind the bars since April, 2021. The injured is discharged from the hospital.

5. Shri Sonpawale, learned APP for the respondent-State objected to release the applicant on bail as according to him, the applicant had three incised wounds. He, therefore, objected to allow the application.

6. Since the charge-sheet is filed, further detention of the

applicant is not warranted. The injured has been discharged from the hospital. Nothing has been brought on record to show that the injury caused in the incident has resulted into serious complications. Applicant has permanent residence at Wadiramasgaon, Tq.Ghansavangi, Dist.Jalna. Applicant is not likely to flee from justice. Considering the pandemic situation created due to Covid-19, trial is not likely to be concluded in near future. In view of this, case is made out for releasing the applicant on bail. Hence, the order:

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.50,000/- (Rs.Fifty thousand only) with one solvent surety in the like amount, in connection with Crime No.108 of 2021, registered with Gondi Police Station, District Jalna, under Sections 307, 323, 504, 506 read with 34 of the Indian Penal Code, and on condition that he shall stay away from the village i.e. Vadiramasgaon, Tq.Ghansawangi, Dist.Jalna, till the framing of charge.
- iii) Bail Application is disposed of.
- iv) Application for assist to Public Prosecutor is also disposed of.

**(M.G.SEWLIKAR)
JUDGE**