

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

938 BAIL APPLICATION NO.932 OF 2021

Bablu @ Runal S/o Dinesh Badgujar
Age: 23 years, Occu.: Labour,
R/o. Subhash Nagar, Chinch galli,
Old Dhule, Dhule.

..Applicant
(Orig. Accused)

VERSUS

The State of Maharashtra
Through Dhule City Police Station,
Taluka and District Dhule.

..Respondent

...
Advocate for Applicant : Shri Chaitanya C. Deshpande
APP for Respondent : Shri S.D.Ghayal
...

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. It is the prosecution's case that on 29th March, 2021, Rizavi @ Banti Jamil Ahmed was standing by the side of house of the informant. It is alleged that the applicant-accused alongwith a juvenile-in-conflict with law, accused Tejas Badgujar, accused Bhavesh Patil and accused Sunny @ Piyush Chavan came to the

spot on three different two wheelers. All the accused abused Rizavi @ Banti Jamil Ahmed. The informant tried to intervene. Thereafter, all of them left the spot. A little while later, applicant and juvenile-in-conflict with law came there. Applicant delivered a blow to the informant by means of a sharp weapon. The informant warded it by tilting his head back. The blow landed on his neck and right side chest. The informant was admitted to Hire Medical College and Hospital. From there, the informant was shifted to Mourya Hospital, Dhule.

3. First Information Report (FIR) came to be lodged by the informant, on the basis of which Crime No.79 of 2021 came to be registered with Dhule City Police Station, District Dhule, under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Sections 37(1), 135 of the Maharashtra Police Act.

4. Heard Shri C.C.Deshpande, learned counsel for the applicant and Shri S.D.Ghayal, learned APP for the respondent-State.

5. Shri Deshpande, learned counsel for the applicant submits that all the other accused have been released on bail. Some

accused have been released on anticipatory bail. The applicant is similarly situated. He further submits that the injured has been discharged from the hospital.

6. Shri Ghayal, learned APP for the respondent-State submits that the applicant was absconding and if he is released on bail, he will again abscond. Therefore, his presence will be difficult to be secured. He, therefore, prayed for rejection of the application.

7. Charge-sheet is yet to be filed. Nothing is brought on record to show that procedure under Sections 82 and 83 of the Code of Criminal Procedure was followed. All the other accused have been released on bail. Cutter is recovered from the applicant. The injured has been discharged from the hospital. Nothing is brought on record to show that the injured has developed complications because of the injuries he sustained in the incident. Entire investigation seems to have been complete, only formality of presenting charge-sheet is left. In order to allay fear of the prosecution, stringent condition can be imposed on the applicant. In this view of the matter, case is made out for releasing the applicant on bail. In view of this, following order is passed:

ORDER

- i) 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.79 of 2021, registered with Dhuly City Police Station, Dist.Dhule, under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code, and under Sections 37(1), 135 of the Maharashtra Police Act, and on condition that he shall visit the Police Station concerned on every Monday, Wednesday and Sunday from 10:00 a.m. to 04:00 p.m., he shall not interfere in the investigation and shall not pressurize the prosecution witnesses.
- iii) Application is disposed of.

(M.G.SEWLIKAR)
JUDGE

SPT