

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

**935 BAIL APPLICATION NO.1133 OF 2021**

**KARAN BALAJI RODGE  
VERSUS  
THE STATE OF MAHARASHTRA**

Shri. Amol Gandhi, Advocate for the applicant  
Shri. P. G. Borade, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.**

**DATED : 28<sup>th</sup> OCTOBER, 2021**

**PER COURT :-**

1. This is an application under Section 439 of the Code of Criminal Procedure in connection with Crime No. 250 of 2021 registered with Mukhed Police Station, District Nanded for the offence punishable under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Facts in brief are that on 19<sup>th</sup> August, 2021 at 10.00 p.m. applicant alongwith accused Govind Shelke, Pravin Shelke, Vishwadeep Gaikwad entered the hotel of the informant. After placing the order, applicant started drinking

liquor from the bottle which he had brought. Informant objected to it. Thereupon, applicant abused in filthy language. Applicant started beating the informant with kicks and fist blows, accused Govind Shelke and Pravin alias Banti came there. They also assaulted him. Applicant picked up a brick and dealt a blow of it on the head of the informant. He was rescued by his servants. On these allegations FIR came to be lodged on 23<sup>rd</sup> August, 2021 on the basis of which aforesaid offences came to be registered.

3. Heard Shri. Gandhi, learned counsel for the applicant and Shri. Borade, learned APP for the respondent/ State. Learned counsel Shri. Gandhi submits that charge-sheet has been filed. Informant is discharged from the hospital. Therefore, further detention of the applicant is not necessary.

4. Learned APP objected to the application on the ground that the offence is serious in nature. Informant had sustained grievous injury on head. He submits that offence

being serious in nature. He cannot be released on bail.

5. Charge-sheet is filed. Therefore, further detention of the applicant is not warranted. On perusal of the charge-sheet it is seen that the informant was discharged from the hospital on 23<sup>rd</sup> August, 2021. Incident is of 19<sup>th</sup> August, 2021. Informant has sustained grievous injury on head. He is discharged from the hospital. Therefore, there is no possibility of the offence converting into a more serious one. Applicant does not have criminal antecedents. This is his first offence. Applicant is not likely to flee from justice. Since charge-sheet is filed, I am inclined to release the applicant on bail. Hence the order.

#### **ORDER**

1. Application is allowed.
2. Applicant be released on bail on his furnishing PR bond of Rs. 20,000/- (Rupees Twenty Thousand only) with one solvent surety in the like amount in connection with CR No. 250 of 2021 under Sections 326, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code registered

with Mukhed Police Station, Dist. Nanded and on condition that he shall not tamper the prosecution evidence and shall not pressurise the witnesses.

3. Application is disposed of.

4. It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

**[M. G. SEWLIKAR, J.]**

ssp