

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

22 BAIL APPLICATION NO.1420 OF 2021

SHUBHANG NANABHAU IDHATE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent – State : Mr. V. M. Kagne

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 20.12.2021

ORDER :-

. Present application has been filed by the applicant for bail under Section 439 of the Code of Criminal Procedure.

2. The applicant has been arrested in connection with Crime No.684 of 2021 registered with Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 364, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Sections 3(1)(c) and 135 of Maharashtra Police Act.

3. Heard learned Advocate Mr. R. R. Karpe for the applicant and learned APP Mr. V. M. Kagne for the respondent - State . In order to cut short, it can be said that both of them have made submissions in support of their respective contentions.

4. Perusal of the First Information Report would show that the present applicant has been shown as accused No.10. The role assigned to him is that he had caused injuries to the right cheek of the informant with the help of blade. Even if the allegations are taken as it is, it will not attract Section 307 of Indian Penal Code. Further, the police papers though mention such kind of injury, but final injury certificate appears to have not been collected uptill now and, therefore, whether it amounts to offence under Section 326 of Indian Penal Code will have to be considered by the concerned Court at the time of issuing process or thereafter. As regards the offence under Sections 143 to 149 are concerned, the prosecution will have to prove that there was a common intention. Under such circumstance, when a statement is made that some of the accused persons have been released on anticipatory bail as well as some of them have been granted regular bail and taking into consideration the role attributed to the applicant in the FIR, he deserves to be released on bail. Hence, the following order :-

ORDER

- I) Application stands allowed and disposed of.
- II) Applicant – Shubhang s/o Nanabhau Idhate, who has been arrested in connection with Crime No.684 of 2021 registered with

Parner Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 364, 143, 147, 148, 149, 504, 506 of Indian Penal Code and under Sections 37(1)(c) and 135 of Maharashtra Police Act, be released on P. R. Bond of Rs.50,000/- with two sureties of Rs.25,000/- each.

III) The applicant shall not enter the jurisdiction of village Parner, Tq. Ahmednagar till the conclusion of trial. He should reside elsewhere, and before submission of bail papers, the applicant should give complete address of his proposed residence with his mobile number to the trial Court as well as to the investigation officer.

IV) He shall not tamper with the evidence of the prosecution in any manner.

V) He shall not indulge in any criminal activity.

VI) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]