

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

BAIL APPLICATION NO.643 OF 2022

Akshay Sanjay Bhaise

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.V.B.Patil, Advocate for applicant

Mr.S.P.Sonpavale, APP for respondent-State assisted by

Ms.Zainab Surti, Advocate for original complainant

CORAM : R.G. AVACHAT, J.

DATE : JULY 19, 2022

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0115 of 2021 registered with Varangaon Police Station, Tq.Bhusawal, Dist.Jalgaon.

2. Heard learned counsel appearing for the parties.

3. Learned counsel for the applicant would submit that the murderous assault has been attributed to accused Rahul Kadam and Ajay Tayde. The applicant, allegedly, assaulted the deceased with fists and kicks. The applicant's role in the offence punishable under Section

302 of Indian Penal Code (IPC), is said to have been invoked with the aid of Section 34 of IPC. Learned counsel for the applicant would submit that the applicant instigated the co-accused to assault the deceased with sharp weapon. Statements of eye witnesses have been recorded ten days after the alleged incident.

4. Learned counsel representing the informant would submit that threats were given by the relations of the applicant that once the applicant and the co-accused are out of jail, the family members of the victim would also not be spared.

5. Since the murderous assault has not been attributed to the applicant herein and the role in the offence under Section 302 of IPC is said to have been invoked with the aid of Section 34 of IPC, this Court is inclined to grant the applicant bail.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0115 of 2021 registered with Varangaon Police Station, Tq.Bhusawal, Dist.Jalgaon, on executing P.R. Bond in the sum of

Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence in any manner.

(iv) The applicant shall not enter Taluka Bhusawal, Dist. Jalgaon, until conclusion of the trial. There shall be no application by the applicant for relaxation of condition for next one year.

[R.G. AVACHAT, J.]

KBP