

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

BAIL APPLICATION NO.661 OF 2022

Vishal s/o. Sukhdeo Bankar ..Applicant

Vs.

The State of Maharashtra ..Respondent

**AND
BAIL APPLICATION NO.659 OF 2022**

Anil @ Villain Shivaji Gadve ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.C.C.Deshpande and Mr.P.P.Pangal, Advocates for applicants
Mr.V.S.Badakh, APP for respondent
Mr.R.C.Bora, Advocate for victim

**CORAM : R.G. AVACHAT, J.
DATE : JULY 25, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0725 of 2021 registered with CIDCO Police Station, Aurangabad.

2. Heard learned counsel appearing for the parties.

3. After hearing learned counsel for the applicants, learned APP and learned counsel appointed for the victim, the Court expressed disinclination to grant bail to applicant – Anil. Learned counsel for the applicants, therefore, came around to withdraw the application of applicant – Anil with a prayer to grant liberty to move again.

4. As per the case of the prosecution, both the applicants assaulted the victim in a hotel during night time. The applicant – Anil assaulted the victim on his head with a beer bottle. As a result thereof, the victim suffered injuries and was unable to speak. The victim was also assaulted with kick and fist blows. It is informed by learned APP that the victim was unable to stand on his own legs. Since he was not conscious, his statement was recorded three months after the alleged incident. As per the statement of the victim himself, he also assaulted the applicant – Anil with a beer bottle, in his defence. Be that as it may.

5. The role attributed to applicant – Vishal is that he assaulted the victim with fists and kicks. Applicant – Vishal is behind the bars for about seven months. Considering his role in the alleged offence, the Court is inclined to grant him bail.

6. Learned counsel for the victim has placed on record the medical certificate of the victim. The same, however, is not part of the police papers. Unless that document is relied on by the prosecution, the same could not be looked into. He would further submit that the mother of the victim is given threats to settle the matter, lest, the brother of the victim would also not be spared. The veracity of this statement cannot be ascertained at this stage. Suffice it to say that while granting bail to the applicant – Vishal, he may be directed not to enter Taluka Aurangabad for a period of next six months.

7. In view of the above, I pass following order:-

(i) Bail Application No.659 of 2022 filed by applicant – Anil @ Villain Shivaji Gadve is disposed of as withdrawn.

(ii) The trial Court is requested to frame charge within a month from the receipt of a copy of this order and conclude the trial within a period of eight months thereafter.

(iii) If the trial could not be concluded within above period, the applicant – Anil @ Villain Shivaji Gadve may file a fresh application for bail.

(iv) **The application No.661 of 2022 filed by applicant – Vishal s/o. Sukhdeo Bankar is allowed.** Applicant - Vishal Sukhdeo Bankar be released in connection with Crime No.0725 of 2021 registered with CIDCO Police Station, Aurangabad, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount.

(v) He shall not tamper with the prosecution evidence in any manner.

(vi) He shall not enter Taluka Aurangabad for a period of six months, except for attending this case.

(vii) Fee of learned counsel appointed to represent the victim is quantified at Rs.6,000/- (Rupees Six Thousand).

[R.G. AVACHAT, J.]

KBP