

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

BAIL APPLICATION NO.807 OF 2022

Kishor Bhimsingh Jadhav ...Applicant

VERSUS

The State of Maharashtra ...Respondent

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Mr. M.P. Bhaskar, Advocate for the applicant.

Mr. G.O. Wattamar, APP for the respondent-State.

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CORAM : S.G. MEHARE, J.

DATED : 07th JULY, 2022.

PER COURT:-

1. Heard the learned counsel for the applicant and the learned APP for the State.
2. It is the prosecution case that the incident happened in public place. The first informant is assaulted with a knife by a Juvenile conflict with law and there were two unknown persons who assaulted the first informant with kicks and blows and threatened kill to him.
3. The applicant has a case that he has been falsely arraigned in the case. He was not on the spot of the incident. The main accused is the Juvenile conflict with law. No weapon is used by the applicant. When the material investigation is over, hence he may be released on bail.

4. The learned APP would submit that the complainant identified the present applicant in test identification parade. The offence is serious. The investigation is still going on. The applicant may tamper with the prosecution witness if released on bail.

5. Perused the investigation papers and the application. Admittedly, the FIR does not disclose the name of the applicant. Two unknown persons have allegedly assaulted the informant with kicks and blows. The material investigation against the applicant appears to have been completed. There are no allegations against the applicant that he has used the weapon in committing the alleged crime. Having regard to the role played by him and the progress in investigation, this Court is of the view that it would not be fruitful to keep the applicant behind bar. The apprehension of the prosecution, may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- I) The application is allowed.
- II) The applicant, Kishor Bhimsingh Jadhav be released on bail on executing PB. and S.B. of Rs.15,000/- (Fifteen Thousand) with one solvent surety in the like amount in Crime No.75/2022 registered with Sillod City Police Station, Taluka Sillod, District Aurangabad for the offence punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504, 506 of the Indian Penal Code and under Section 135 of

(3)

Maharashtra Police Act, on the condition that he shall not tamper with the prosecution witness.

III) Bail before the learned Magistrate.

(S.G. MEHARE, J.)