

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

BAIL APPLICATION NO.932 OF 2022

Nathu @ Somnath Sona Bande

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mr. V.Y. Bhide, Advocate for applicant

Mr. N.T. Bhagat, A.P.P. for respondent – State

.....

CORAM : R. G. AVACHAT, J.

DATE : 11th AUGUST, 2022.

PER COURT :

Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0026/2022, registered at Rajur Police Station, District Ahmednagar for the offence punishable under Sections 307, 427, 504, 506 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by the victim himself on 18/2/2022. It is his case that, he had been to buy mutton on 17/2/2022 at 8.30 p.m. at Khadki (Kh.). The informant did not have change of Rs.500/-. He, therefore, went to the market to have change

of a currency note of Rs.500/-. He happened to meet the applicant herein. The applicant assured him to give change. The informant, therefore, gave the applicant currency note of Rs.500/-. The applicant asked him to wait for a while, and he would come back with the money. He, however, did not return. The informant, therefore, went to the house of the applicant and asked him to pay back his money. The applicant, thereupon removed the key of informant's motorbike and thrown it in the dark. He also abused the informant. It is also the case of the informant that the applicant assaulted him on his neck with some sharp cutter like weapon. The brother-in-law of the informant, therefore, took him to Rural Hospital, Rajur. After having taken first aid, he lodged the F.I.R.

3. The learned counsel for the applicant would submit that, there are no papers to indicate the victim to have taken further treatment.

4. It is informed by the learned A.P.P. that, the victim is not coming forward to give his statement under Section 164 of the Code of Criminal Procedure.

5. True, the F.I.R. indicates the applicant to have assaulted the informant with some sharp weapon. The injury

certificate reinforces the prosecution case. The fact is, however, that, on completion of the investigation, charge sheet has been filed. The applicant has been behind the bars for little over five months. It will take time for commencement and conclusion of the trial. In view of this, I am inclined to grant bail to the applicant. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.0026/2022, registered at Rajur Police Station, District Ahmednagar for the offence punishable under Sections 307, 427, 504, 506 of the Indian Penal Code on his 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 attend the concerned police station on first and third Sunday of every month between 12.00 noon and 1.00 p.m. until conclusion of the trial
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT)
JUDGE

fmp/-