

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

922 BAIL APPLICATION NO.1754 OF 2022

MAHESH DEEPAK MANE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Karpe Rahul R.
APP for Respondent-State : Mr. S. B. Narwade.

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CORAM : S. G. MEHARE, J.
DATE : 15.11.2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant has been arraigned as an accused for the offences punishable under Sections 307, 323, 504 and 506 read with Section 34 of the IPC.
3. The serious allegations have been levelled against the applicant that he went to the injured and demanded him money. When he denied to pay the money, the applicant assaulted the injured with sickle on his head, hand and thigh. The applicant was with two other co-accused. On the report lodged by the injured himself, the crime has been registered.
4. Learned counsel for the applicant would argue that the other co-accused have been released on bail. Hence, parity

may be granted. He would refer to the evidence of the witnesses and showed the discrepancy in their statement as regards the spot of the incident. He would also refer to the injury report and argue that the injury suffered by the injured were simple. The applicant is a young boy having no antecedents to his discredit. The applicant has no intention to kill the first informant. The charge sheet has been filed. The trial may take its own time. Hence, he prayed to release him on bail.

5. Learned APP has strongly opposed the application. He would refer to the C.C.T.V. footage. Referring to the transcription of the C.C.T.V. footage, he has brought to the notice of this Court that the applicant has played the active role in committing the serious offence. He has further added that the injured has suffered the serious injuries. The applicant has played the active role in assaulting the injured thrice. He has also referred to the injury reports and pointed out that the injured has suffered the grievous injuries. He would submit that the intention of the applicant can be gathered from repealed assault. He came on the spot of the incident armed with weapon. Considering the aggressive act of the applicant, the possibility of tampering with the prosecution witnesses cannot be ruled out.

6. The allegations of assaulting the complainant thrice by the applicant is supported with the medical evidence as well as the C.C.T.V. footage. It also appears that the injured tried to rescue himself from the assailants, but they were catching him and running after him to assault him. The repeated assault with the deadly weapons is a self sufficient evidence to gather the intention. The applicant has suffered serious injuries. Deadly weapons have been used by the applicant. The applicant has no satisfactory explanation why and how he has been falsely implicated in the crime. Role attributed to the applicant is different from the role attributed to the other co-accused, who have granted bail. Hence, he cannot be granted parity. The applicant seems to be most aggressive. The apprehension of prosecution of tampering of prosecution witnesses is reasonable.

7. In view of the above observations and facts, the application stands dismissed.

(S. G. MEHARE, J.)

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vmk/-