

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 BAIL APPLICATION NO.1880 OF 2022

Akash S/o Ganesh Gaikwad
Age : 19 years, Occ : Student,
R/o Khaja Colony, Parbhani,
Tq. & Dist. Parbhani

..APPLICANT

-VERSUS-

The State of Maharashtra
Through Police Station,
Nanalpeth, Dist. Parbhani

..RESPONDENT

...
Mr.A.V. Lavte, advocate for applicant.
Mr.K.S. Patil, APP for the respondent/State.

...
CORAM : S.G. MEHARE, J.
DATE : DECEMBER 09, 2022

PER COURT :-

1. Heard learned counsel for the applicant and learned APP for the respondent/State.

2. The applicant has not been named in F.I.R. The F.I.R. reveals specific allegations against one of the co-accused. The further allegation reveals that one of the co-accused and other unknown persons assaulted him with kicks and blows and chair. As per the injury report, the first informant/injured has simple injuries. No specific role has been attributed to the applicant. The applicant is behind bar since 12th October, 2022. Material investigation appears to have been completed against the applicant.

3. IIIrd proviso to section 437 specifically provides that the mere fact that an accused person may be required for being identified by witnesses during investigation shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court.

4. Learned counsel for the applicant submits that applicant is ready to furnish an undertaking that if the presence of the applicant is required for identification, he would made himself available before the Investigation Officer. Except the identification of the accused, if any, nothing is to be investigated from the applicant. He is otherwise entitled to be released on bail. Hence the order :-

ORDER

(i) The application is allowed.

(ii) Applicant be released on bail, on furnishing PB and SB of Rs.50,000/- with one solvent surety of the like amount, in C.R.No.393/2022 registered with Police Station Nanalpeth, Dist. Parbhani, for the offence punishable under sections 307, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, on the conditions that the applicant shall

not tamper with the witnesses and subject to the undertaking before the Investigation Officer that he will be available for test identification parade, if any, within two days from his release.

(S.G. MEHARE, J.)

SGA