

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 3190 OF 2022

Chetan Bhavrao Khairnar,
Age 30 Years, Occ: Farmer,
R/o:Kotbel, Tal-Satana, Dist-Nashik.
(At present Nashikroad Central
Prison,Nashik)

... Applicant/Accused

Versus

The State of Maharashtra
(At the instance of the PI- Vadner
Khakurdi Police Station, Nashik)

... Respondent

...

Mr Aniket Nikam i/b Mr Ashish P. Pawar, Advocate for the
Applicant.

Mr MG Patil, APP for the State.

Mr NR Bubna, Advocate for original complainant.

...

CORAM : R. N. LADDHA, J.

DATE : 23 DECEMBER 2022

P.C.:

Heard Mr Aniket Nikam, learned counsel appearing on
behalf of the Applicant, Mr N R Bubna, learned counsel appearing
for original complainant and Mr M G Patil, learned APP appearing

on behalf of Respondent No.1-State.

2. By this application, the Applicant is seeking bail in connection with C.R.No. 214 of 2022, registered at Vadner-Khakurdi Police Station, Nashik, against the Applicant for the offences punishable under Sections 307, 326, 143, 147, 148, 149, 324, 323, 504, 506 and 427 of the Indian Penal Code.

3. The allegation against the Applicant and co-accused are that they attempted to commit murder of the informant by assaulting him with stick and katti, a sharp weapon.

4. Mr Aniket Nikam, learned counsel for the Applicant submitted that there is a case and cross case. The role attributed to the present Applicant is that he had assaulted the first informant and her husband by a stick. It is submitted that the co-accused was released on bail. It is submitted that there is no possibility of the Applicant fleeing away or tampering with the witnesses. It is submitted that if the Applicant is enlarged on bail, he will not misuse the liberty of bail. It is submitted that initially offence under Section 326 was registered against the Applicant and the co-accused and later on the same was converted into Section 307 of the Indian Penal Code. It is submitted that the Applicant was arrested on 18.09.2022 and since then he is languishing in jail. It

is submitted that as per the informant's claim, co-accused Rangnath had assaulted the husband of the first informant by a sharp weapon.

5. Mr M G Patil, learned Additional Public Prosecutor appearing for the State, submitted that the Applicant is named in the FIR and specific role has been attributed to him. The Applicant had assaulted the husband of the informant with stick. It is submitted that the offence was committed in well-planned design by the Applicant. The offence is serious. It is submitted that the Applicant was actively involved in the offence that led to the registration of the FIR against him.

6. This Court has perused the Application, a copy of the charge sheet and the documents placed on record. The Applicant has been languishing in jail from 18.09.2022. The investigation is almost completed. It also appears from the record that there is a case and cross case and the parties are related to each other. There appears property dispute between the parties. The injured was already discharged from the hospital. This Court is, therefore, of the opinion that continued custody of the Applicant is no longer required.

7. In light of the above, this Court is inclined to grant bail to the Applicant. Accordingly, the Application is allowed in the following

terms :

a) The Applicant Chetan Bhavrao Khairnar shall be released on bail in C.R.No. 214 of 2022 registered at Vadner-Khakurdi Police Station, on furnishing a P.R. Bond in the sum of Rs.25,000/- with one or two sureties in the like amount to the satisfaction of the concerned Court.

b) The Applicant shall not himself or through any other person indulge in any activity that would tamper with the prosecution evidence and/or give threat or inducement to any of the prosecution witnesses.

c) The Applicant shall attend the concerned Police Station on every Wednesday, till filing of the charge sheet and shall cooperate with the investigation.

8. Needless to say, violation of any of the aforesaid conditions will make the Applicant liable for cancellation of bail.

9. All the parties to act on an authenticated copy of this Order.

BIPIN
DHARMENDER
PRITHIANI

Digitally signed by
BIPIN DHARMENDER
PRITHIANI
Date: 2022.12.23
20:17:03 +0530

[R. N. LADDHA, J.]