

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

BAIL APPLICATION NO. 247 OF 2023

Abhijit Sheshrao Achegave

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. S.B. Bhapkar, Advocate for applicant

Ms. R.P. Gour, A.P.P. for respondent – State

Mr. S.S. Pidgewar, Advocate h/f Mr. A.N. Suryawanshi, Advocate for assist to A.P.P.

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CORAM : R.G. AVACHAT, J.

DATED : 05th APRIL, 2023

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 138 of 2021 registered with Degloor Police Station, Dist. Nanded for the offences punishable under Sections 302, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

2. Heard. Perused First Information Report ('F.I.R.') and related police papers.

3. This Court, while refusing to grant the applicant bail had observed that the trial Court shall examine material witnesses within six months and if same does not happen, the applicant may revive his claim for bail. The applicant is, therefore, before this Court.

4. The record indicates that only two witnesses, that too panch witnesses, have been examined. It is informed that there is counter case. The same will have to be tried by the same Court. It may necessarily take time for deciding both the cases simultaneously.

5. Learned counsel for the intervener has strong objection to grant bail to the applicant. According to him, in only one blow given by the applicant, the deceased breathed his last.

6. The applicant was twenty-one years of age at the relevant time. He is alleged to have assaulted with an iron rod on the head of the deceased. Instead of observing anything on the merits of the matter, it appears that both the cases are not likely to be concluded in near future. The applicant is in jail for little over two years. Now he is just twenty-three years of age.

7. Considering the age of the applicant, he being behind the bars for little over two years and the fact that the trial is not likely to be concluded in near future and in view of there being counter case, the application deserves to be allowed. Hence, I pass the following order :-

ORDER

(I) The application is allowed.

(II) The applicant be released, in connection with Crime No. 138 of 2021 registered with Degloor Police Station, Dist. Nanded for the offences punishable under Sections 302, 324, 323, 504, 506, 143 ,147 ,148 and 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on 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 not tamper with the prosecution evidence.

(R.G. AVACHAT, J.)

SSD