

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.340 OF 2023

RAJESH SAHEBRAO GHADGE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Suhas P. Urgunde
APP for Respondent : Mr. K. S. Patil
...

CORAM : S. G. MEHARE, J.

DATE : 31-03-2023

PER COURT :-

1. Heard the learned counsel for the applicant and the learned counsel for the respondent.
2. It has been alleged against the applicant that he assaulted injured with a spade on his head. He suffered grievous injury. The injured has been discharged.
3. The learned counsel for the applicant would submit that the quarrel took place on the spur of the moment. The applicant had no intention. The weapon allegedly used in the crime has been seized. He is languishing in jail for more than ten months. There are no antecedents to his discredit. Hence, he may be granted bail.

4. The learned A.P.P. has opposed the application. He would submit that the offence is serious. There is possibility of tampering with the prosecution witnesses. Though he has played a different role from co-accused Ajay Ghadge and others, he has shared the common intention. Therefore, he may not be granted bail.

5. Perused the papers. The quarrel took place in front of the house of the applicant. The injured has been discharged from the hospital. The chargesheet has been filed. Nothing has to be recovered from the applicant. Considering his role, he deserves bail on certain conditions. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Rajesh Sahebrao Ghadge be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of like amount in C.R.No.158 of 2022, registered with Phulambri Police Station, District Aurangabad, for the offence punishable under Sections 302, 326, 341, 323, 504 and 506 read with Section 34 of the Indian Penal Code, on the following conditions -
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not contact the victim or other witnesses in any mode or manner till the conclusion of the trial.
 - (c) He shall not involve in a similar crime.

(S. G. MEHARE, J.)