

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

**BAIL APPLICATION NO.352 OF 2023
WITH APPLN/1254/2023 IN BA/352/2023**

**SUKHJOTSINGH CHARANPALSINGH BARAR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Mahesh K. Bhosale h/f Mr. Granthi
Manpreet Ajeet Singh

APP for Respondent/State : Mr. S.P. Sonpawale

Advocate for Complainant : Mr. S.R. Bagal h/f Mr. B.N. Gadegaonkar

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CORAM : S.G. MEHARE, J.

DATED : APRIL 17, 2023

PER COURT :-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The applicant is seeking bail in Crime No.212 of 2022 registered with Vazirabad Police Station, Nanded for the offence punishable under Section 307 r/w 34 of Indian Penal Code.
3. It has been alleged against the applicant that the injured runs De-addiction Center. He was treating both the accused for deaddiction. Thereafter, they came to Nanded, stayed in one room. The accused consumed the drugs there. Thereafter, they were demanding money to the injured for drugs and assaulted him with Kirpan. It has been specifically alleged against the applicant that he took Kirpan of the first informant/injured lying on table and tried to

stab him, but he avoided the assault. Therefore, he has sustained the injuries to his hand.

4. Learned counsel for the applicant has vehemently argued that the first informant is not consistent. He came with a different story in his statement under Section 164 of Cr.P.C. No injuries as such were caused to the injured. There were no antecedents to his discredit. The charge sheet has been filed. Hence, he may be granted bail.

5. Learned APP and learned counsel for the complainant have argued that releasing the applicant is harmful to society. He is addicted to drugs. The injured was treating them for deaddiction. After coming to Nanded for darshan, again the accused started demanding money for drugs. The incident happened in a room at late night hours where the accused and the injured were staying together. The statement of the injured is supported with the medical/injury certificate. There are no material contradictions in FIR and in the statement of first informant under Section 164 of Cr.P.C. Since the applicant is addicted to drugs, he may go to any extent if released on bail. Hence, it is not safe to release him on bail.

6. Perused the charge sheet. Admittedly, the applicant was addicted to heroin. The first informant treated him, but it reveals that the accused/applicant again fall prey to drugs and for purchasing the drugs, they demanded money to the first informant. Considering the

past i.e. the drug addiction of the applicant, the allegations levelled against the applicant cannot be disbelieved. The applicant hails from Punjab. Considering the conduct of the applicant and addiction to drugs, it would not be safe to release him on bail. The apprehension of prosecution that he may commit the serious offence appears probable. Hence, the application stands dismissed.

7. Criminal Application No.1254 of 2023 stands disposed of.

(S.G. MEHARE, J.)