

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

**BAIL APPLICATION NO.385 OF 2023
WITH APPLN/1131/2023 IN BA/385/2023**

**MALLIKARJUN MAHAJAN BAKKEWAD AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicants : Mr. Kawade Shrikant G.
APP for Respondent/State : Mr. S.P. Sonpawale
Advocate for Complainant : Mr. N.Y. Kingaonkar & Mr. P.G. Tambade

...

CORAM : S.G. MEHARE, J.

DATED : MARCH 28, 2023

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant.
2. It has been alleged against the applicants that they went to the house of the injured and assaulted him with a blade and razor on his neck, as the injured has burst the firecrackers in front of pendal of Durga-Devi. The injured was admitted to the hospital for three days. The prosecution has a case that the injuries were possible by the weapons recovered at the hands of the applicants. The injured was discharged without any further complications.
3. Learned counsel for the applicants would submit that the injured had caused the nuisance in front of the house of the applicants. Hence, they went to give him understanding but he was

aggressive. Hence, the incident happened. There are no antecedents to their discredit. The investigation has been completed. The incident happened on the spur of moment. Hence, they may be granted bail.

4. Learned APP and learned counsel for the complainant vehemently opposed the application. They would state that the applicants reached at the house of the injured with weapons. That indicates their intention. After the assault, they confirmed whether the injured was died. However, the parents of the injured reached, took him to the hospital; hence, he survived otherwise he would have been died. The offence is serious. Therefore, they may not be granted bail.

5. Considering the allegations levelled against the applicants and the case of the applicants, it is to be examined whether the incident happened at the spur of moment. That apart, the fact remains that the injured was discharged within three days from the hospital. Therefore, it is also to be examined whether the injuries caused to the injured were grievous. The investigation has been completed and the alleged weapons have also been seized. Nothing is to be recovered from the applicants. The trial may take its time.

6. Considering all these aspects, it would be inappropriate to keep the applicants behind bar. They deserve bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Mallikarjun s/o Mahajan Bakkewad and Balaji s/o Mahajan Bakkewad, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount in connection with Crime No.383 of 2022, registered with Bhokar Police Station, District Nanded for the offence punishable under Section 307, 294, 506 r/w 34 of the Indian Penal Code, on the conditions that they shall not tamper with the prosecution witnesses.
- (iii) The applicants shall live away from village Mendaka, Taluka Mudkhed, District Nanded for six months from the date of their release.
- (iv) Criminal Application No.1131 of 2023 stands disposed of.

(S.G. MEHARE, J.)