

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

BAIL APPLICATION NO.567 OF 2023

AKASH @ AKKU PRAKASH RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Deshpande Chaitanya Chandrakant
APP for Respondent/State : Mr. S.P. Sonpawale
...

CORAM : S.G. MEHARE, J.

DATED : APRIL 21, 2023

PER COURT:-

1. Learned counsel Mr. Shardul Shinde, who had made a statement at bar that he had instructions to appear for the complainant, now states that he tried to contact the complainant but he did not respond. Therefore, he withdrew his statement. His statement is accepted and the matter is proceeded further.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant is seeking bail in Crime No.39 of 2023 registered with Chikalthana Police Station, District Aurangabad for the offence punishable under Section 307, 326, 506 r/w 34 of Indian Penal Code and Section 4/25 of Arms Act.
4. Learned counsel for the applicant would submit that the applicant was also assaulted and suffered eight injuries. He was admitted to the hospital. A false counter report has been filed against

him. The complainant and other injured were aggressive. The complainant has suffered no serious injuries. The injuries were suffered due to the weapon allegedly used by him; however, false recovery of the weapon at the instance of the applicant has been shown. None of the injured is in hospital. It was a free fight between two groups. Hence, he may be granted bail.

5. Learned APP opposed the application contending that the offence is serious. Both groups were fighting; therefore,, there is possibility of another crime.

6. Perused the papers. Admittedly, the applicant was also injured in the same incident. He has suffered eight injuries and the first informant has suffered simple injuries to his hands. The weapon allegedly used in the crime has been seized. All the injured who have allegedly suffered the injuries have been discharged. In view of the facts of the case, the applicant deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Akash @ Akku Prakash Rathod, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that he shall not tamper with the prosecution witnesses.

(3)

(iii) The applicant shall attend the concerned police station on every Tuesday, Thursday and Saturday between 09.00 am to 11.00 am, till filing the charge sheet.

(S.G. MEHARE, J.)

Mujaheed//