

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

BAIL APPLICATION NO.863 OF 2023

**GOPINATH S/O BHAUSAHEB GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. R.R. Karpe
APP for Respondent: Mr. Y. G. Gujarathi

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CORAM : S. G. MEHARE, J.

DATE : 22.06.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents/State.
2. The applicant is seeking bail in Crime No. 169 /2023 registered with Karjat Police Station, District Ahmednagar for the offences punishable under Sections 307, 326, 324, 323, 341, 143, 147, 148, 149, 506, 109, 114, 329 of the Indian Penal Code.
3. This case is an example of the fact that even after many ages man still indulges in tradition. No one is ready to accept the changing situation and thoughts of the modern age. The liberty of young generation to have a life partner of their choices is still not accepted by

the society. People like the applicants still remain in the old way of thinking. Instead of blaming their own daughter, they blame only the boy and tried to take his life. The injured and his wife were living peaceful life; however, the family and friends of the wife of the injured consistently disturbing them. Arising out of the anger, the alleged incident happened.

4. The applicant claims that he has been implicated falsely as he is the friend of the father of the wife of the injured. There was civil litigation between them. He has no role to pay in the alleged incident. No weapon has been used. Bare allegation of assaulting with stones have been levelled against him. Nothing is to be recovered from him. Hence he may be granted bail .

5. Perused the papers. It appears that the injure did not suffere injuries on his vital part. So the question whether there was an intention to kill the injured or not may fall for the consideration before the trial Court. The alleged stones used for assaulting the injured have been recovered from the spot of the incident. The material investigation has been completed against the applicant. However, to protect the injured and his wife certain conditions may be imposed. Hence the following order.

ORDER

- (i) The application is allowed.
- (ii) Applicant Gopinath Bhausahab Gaikwad be released on bail on furnishing P. B. and S.B. of Rs. 50,000/- (Rs. Fifty thousand) with one solvent surety of the like amount, in connection with the aforementioned crime registered with aforementioned police station, on the following conditions :-
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) The applicant shall not contact the injured and his wife and family in any mode or manner till conclusion of the trial.
 - iii) The injured must have expended huge amount over his medical treatment therefore, compensation to be paid to him. Hence, the applicant shall deposit Rs. 1,00,000/- (Rs. One Lakh) in the trial Court before his release on bail.

**(S. G. MEHARE)
JUDGE**

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