IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 460 OF 2023

Ajay s/o Bhaskar Bhise
age 28 years, occ. Agri.
r/o Pimpri Zola, Tq. Gangakhed
Dist. Parbhani Appellant

Versus

1. The State of Maharashtra
Through Police Station, Gangakhed
Dist. Parbhani.

2. Subhash s/o Sopan Kamble
age 40 years, occ. Labour
r/o Pimpri (Zola), Tq. Gangakhed
Dist. Parbhani. Respondents

Mr. J. M. Murkute, Advocate for the appellant.
Mr. G. O. Wattamwar, APP for the State.
Mr. Murrel Gomes, Advocate (appointed) for respondent No. 2.

CORAM : R. M. JOSHI, J.
DATE : 30th JUNE, 2023.

PER COURT :

1. This appeal is filed challenging the order dated 26th April, 2023, passed by learned Additional Sessions Judge, Gangakhed, Dist. Parbhani in Criminal M.A. No. 72/2023 thereby rejecting bail to the applicant/appellant herein in connection with Crime No. 0132/2023 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 324, 323, 504 of the

Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act.

2. There is no dispute about the fact that the investigating into the crime is already completed with filing of the charge-sheet. Having regard to the nature of offence, the appellant need not be detailed in jail.

3. Learned APP and learned counsel for the informant submitted that there are eight criminal cases pending against the present applicant and that he has not appeared in said proceedings before the concerned Court which has resulted into issuance of non-bailable warrant against him.

4. In response thereto, learned counsel for the appellant, on instructions, undertakes that not only in the present case but in all cases filing against him, the appellant shall attend the Court regularly unless exempted is obtained from concerned Court. Undertaking is accepted. This undertaking will suffice the purpose of the prosecution and takes care of the possibility of abscondance of

the appellant. Furthermore, appellant cannot be kept behind bar by way of pre-trial punishment.

5. In view of above, appeal is allowed. Hence, the following order :-

ORDER

(i) Appeal is allowed.

(ii) Appellant be released on bail on furnishing PR Bond of Rs. 15,000/- (Rs. Fifteen Thousand only) with one surety in the like amount in connection with Crime No. 0132/2023 registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 324, 323, 504 of the Indian Penal Code and under Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act.

(iii) Bail before Trial Court.

(R. M. JOSHI)
Judge

dyb