

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO.1362 OF 2023

PRABHU BHAGWAN CHAVAN
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Parghane Madhukar M.
APP for the Respondent – State : Mr. S. P. Deshmukh
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 25.08.2023

PER COURT :-

1. The applicant seeks bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 0889 of 2022 dated 14.10.2023 registered at M.I.D.C., Waluj Police Station, Taluka Gangapur, District Aurangabad for the offences punishable under Sections 307, 341, 294, 504, 506 read with Section 34 of the Indian Penal Code and Sections 3/25 and 4/25 of the Arms Act, 1959 and Section 135 of Maharashtra Police Act.
2. The investigation was set on motion on complaint of Sagar Subhash Sudar. It is alleged that the applicant / accused assaulted the informant by sword and another accused Gaju has fired gunshot towards the informant, causing grievous injuries.

3. Mr.Parghane, learned Advocate appearing for the applicant submits that although there are allegations in the First Information Report regarding use of sword by the applicant, the injury certificate would show only gunshot injury on the person of the informant. He would submit that the applicant is behind the bar since 26.10.2022. There are no criminal antecedents. The applicant would abide by all the conditions as imposed by this Court. Further detention of the applicant would not be necessary.

4. Per contra, Mr.Deshmukh, learned APP strongly opposes the application. He submits that the applicant was holding the sword in his hand. Although he inflicted blows on person of informant, because of the bag entangled on his back, informant was saved from injury. He would submit that the sword is recovered from the spot. He invites attention of this Court to the medical papers, that shows informant was seriously injured and required to take long drawn medical treatment. Learned APP further submits that the release of applicant is likely to hamper the trial and possibility of tampering of evidence cannot be ruled out.

5. Having considered the submissions advanced by the learned advocate for the applicant and leaned APP for the respondent-State, although there are allegations against the applicant regarding use of sword and attempt on his part to inflict injury to the informant, the

medical record do not support that contentions. The alleged recovery of the sword is not under Section 27 of the Evidence Act. The allegations regarding firing of gunshot to the informant is against the accused Gajanan alias Gaju.

6. In that view of the matter and particularly considering that there are no criminal antecedents against the applicant and investigation is over, case is made out for grant of bail subject to certain conditions. Hence the following order :

ORDER

- [i] The Bail Application is allowed.
- [ii] The applicant Prabhu s/o Bhagwan Chavan be released on bail in connection with Crime No. 0889 of 2022 at M.I.D.C., Waluj Police Station, Taluka Gangapur, District Aurangabad registered for the offences punishable under Sections 307, 341, 294, 504, 506, 34 of the I.P.C., Section 3/25 of Arms Act and Section 135 of the Maharashtra Police Act, on furnishing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with solvent surety in the like amount.
- [iii] The applicant shall not tamper with the prosecution witnesses / evidence in any manner.
- [iv] The applicant shall attend the Trial Court without fail on given dates and co-operate for early disposal.
- [v] The applicant shall not indulge in any criminal activities.

- [vi] The applicant shall not try to establish contact with any of the witness or person having knowledge about the incident.
- [vii] Bail application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-