

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

939 BAIL APPLICATION NO.1389 OF 2023

AJAY @ YOGESH NANDKUMAR KUMAWAT
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr.Thombre S. S.
APP for the Respondent – State : Ms. P. V. Diggikar
...

CORAM : S. G. CHAPALGAONAKAR,J.

DATE : 25.08.2023

PER COURT :-

1. The applicant seeks regular bail in Crime No. 0043/2023 registered with Gangapur Police Station, Taluka Gangapur, District Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code.
2. The investigation was set in motion on complaint given by the Arif Ikbali Siddiqui dated 06.02.2023. It is alleged that the applicant by using the iron rod as well as bear bottle glass caused injury to the informant and others. In pursuance of registration of offence, applicant has been arrested on 03.03.2023. After completion of investigation, charge-sheet is filed.
3. Mr. Thombre, learned Advocate appearing for applicant would submit that the co-accused has been enlarged on bail by order dated 27.06.2023 passed by this Court.

4. By inviting attention to the injury certificates, he would point out that the injury suffered by the informant and others are simple in nature. He would submit that further detention of the applicant would not be necessary.

5. Learned APP strongly opposed the application. She would submit that the applicant has caused serious injuries to victim using deadly weapons i.e. iron rod and broken glass. She would further invite attention of this Court to the report of investigating officer, regarding six previous offences registered against the applicant/accused, particularly relating to causing injury to human body using weapons. She would further submit that the release of applicant is likely to tamper the prosecution and the possibility of tampering is made.

6. Having considered submissions advanced, apparently, there are serious allegations against the applicant. However, looking to the injury certificate, it appears that simple injury is sustained by the victim. The investigation in the matter is complete. Charge-sheet is filed. No purpose would serve by continuing detention of the applicant. However as pointed out by learned APP, there are previous offences registered against the applicant. Therefore, to secure the interest of the smooth trial, it would be necessary to impose stringent conditions. Hence, the following order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant Ajay @ Yogesh Nandkumar Kumawat be released on bail in Crime No. 0043 of 2023 registered with Gangapur Police Station, Taluka Gangapur, District Aurangabad for the offences punishable under sections 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code, on furnishing P.B. of Rs. 50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount.
- (iii) The applicant shall not tamper with the prosecution evidence in any manner.
- (iv) The applicant shall not enter Gangapur Taluka except for attending the dates in present case as well as other pending cases.
- (v) The applicant shall not leave State of Maharashtra without written intimation to the trial Court.
- (vi) The applicant shall not establish contact with any witnesses named in the charge-sheet. The breach of conditions shall entail cancellation of bail.
- (vii) He shall co-operate with investigation.
- (viii) Bail application is accordingly disposed off.

(S. G. CHAPALGAONKAR)
JUDGE

shp/-