

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1696 OF 2023**

AKASH ASHOK RATHOD
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. S. J. Salunke, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**WITH
BAIL APPLICATION NO.1686 OF 2023**

KARAN @ PAPPU S/O SHIVAJI MORE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. Shubham S. Khoche, Advocate for the Applicant.
Mrs. P. V. Diggikar, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th OCTOBER, 2023.**

PER COURT:-

1. The applicants are seeking regular bail in connection with Crime No.277/2023 dated 21.08.2023 registered with Manwat Police Station, Dist. Parbhani for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 34 of the Indian Penal Code as well as Sections 4 and 25 of the Arms Act and Section 7 of the Criminal Law Amendment Act, 2012.

2. The investigation was set in motion on the basis of the information given by Vaibhav Sanjay Dagadu. He alleges that on 20.08.2023 while he was proceeding on motorcycle there was some quarrel between him and the applicant Akash Rathod. Thereafter, at about 09.30 pm, again there was quarrel near Kutruwar Petrol Pump. It is alleged that accused Akash, Karan

and other accused persons arrived on spot holding weapons in their hands. The accused Akash assaulted the informant and his brother Sagar by sword causing injuries on head and palm. It is further alleged that the accused Karan assaulted the informant by stick on the back and left shoulder. On the basis of the aforesaid report, the offence came to be registered against the applicants and others. Both the applicants have been arrested on 21.08.2023. The investigation progressed. During the course of investigation, certain incriminating articles are seized from the applicants.

3. Mr. Salunke, learned Advocate and Mr. Khoche, learned Advocate appearing for the applicants would submit that both the applicants are young aged students pursuing their education. There are no criminal antecedents. The incident is not predetermined. The informant and his brother had suffered simple injuries. The applicants are behind the bar from 21.08.2023. Further detention of the applicants would not be necessary. Hence, they urge for grant of bail.

4. The learned APP strongly opposes the prayer. She submits that the applicants were holding deadly weapons in their hands and gathered near Kutruwar Petrol Pump with intention to commit offence. She would submit that the victims have suffered injuries of sharp edged weapons. The eye witnesses corroborates the narration of the FIR. The investigation is still in progress. Hence, she urges to reject the applications.

5. Having considered the submissions advanced, apparently FIR has been lodged against the applicants with allegation of assaulting informant and his brother, so also the medical evidence on record shows that there was quarrel of the

informant, his brother with applicants and because of the assault by the applicants, they suffered injuries. The medical certificate shows that the injuries are simple in nature. The investigation in the matter is practically over. There are no criminal antecedents. The applicants are students aged about 19-20 years. The applicants are behind the bar for almost 50 days. Although, the offence under Sections 307 and 326 of the Indian Penal Code are invoked, whether there was any intention to kill would be subject matter of trial. On *prima facie* consideration of cause of the inception of the incident and the injuries suffered by the victims, it is difficult to hold that Section 307 of the Indian Penal Code would attract in the present case. In that view of the matter, further detention of the applicants would not be necessary. Hence, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Applications are allowed.
- (ii) The applicants, Akash Ashok Rathod and Karan @ Pappu Shivaji More be released on bail in Crime No.277/2023 dated 21.08.2023 registered with Manwat Police Station, Dist. Parbhani for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 34 of the Indian Penal Code as well as Sections 4 and 25 of the Arms Act and Section 7 of the Criminal Law Amendment Act, 2012 on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall attend the concerned police station once in a week i.e. on every Saturday between 10.00 am to 02.00 pm till filing of the charge-sheet.

c. The applicants shall not involve themselves in similar offence.

(iii) Applications are disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/October-2023