

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

ANTICIPATORY BAIL APPLICATION NO.1577 OF 2022

Sanmukh Subhash Birajdar

..Applicant

Vs.

The State of Maharashtra and anr.

..Respondents

Mr.Rohit Patwardhan, Advocate h/f. Mr.S.S.Jadhav, Advocate for applicant

Mr.A.A.Jagatkar, APP for respondents

**CORAM : R.G. AVACHAT, J.
DATE : MARCH 23, 2023**

PER COURT :-

This is an application for anticipatory bail. The applicant claims to have apprehension of arrest in connection with Crime No.0281 of 2018 registered with Shivajinagar Police Station, Latur, for the offences punishable under Sections 307, 504 506 read with Section 34 of the Indian Penal Code.

2. Heard. Perused the First Information Report ("FIR", for short) and the related papers.

3. Learned APP strongly objects for allowing the application. According to him, the knife wielded by the applicant is yet to be recovered. The offence is serious one. The injury certificate of the informant and another victim indicate both of them to have suffered grievous injuries.

4. Learned APP might be right to make out a case of rejection of the application. There is, however, other side of the story. According to learned counsel for the applicant, both the injured have been serving with the applicant. It is informed that on investigation, charge sheet has been filed. Both the injured filed affidavits before learned Sessions Judge, while hearing the bail application. Both of them have given no objection go grant the applicant relief. According to them, they are working out settlement. It is also informed that this Court has been moved for quashment of the charge sheet in view of the settlement between the victims and the applicant/accused. Be that as it may.

5. Since the victims themselves have no objection for grant of relief to the applicant, the application deserves to be allowed.

6. Hence, the following order:-

(i) The application is allowed.

(ii) In the event of arrest in connection with Crime No.0281 of 2018 registered with Shivajinagar Police Station, Latur, for the offences punishable under Sections 307, 504 506 read with Section 34 of the Indian Penal Code, the applicant be released on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with one surety in the like amount, on conditions that :-

(iii) The applicant shall attend the concerned Police Station as and when required by the Investigating Officer.

(iv) The applicant shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

kbp