

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

20 BAIL APPLICATION NO.1911 OF 2023

PARSHURAM DAMODAR @ DAMU GADADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondents: Mr. S.B. Narwade.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 1st NOVEMBER, 2023

ORDER :-

The applicant seeks regular bail in connection with crime No.642 of 2023 dated 6th October, 2023 registered with police station Karjat, Dist. Ahmednagar, for the offences punishable under sections 307, 504, 506 r/w 34 of IPC.

2. The investigation was set in motion on the basis of information given by Bapusaheb Shripati Gadade, who alleges that he works as a Home Guard and helps police authorities whenever his services are solicited. The son of the applicant died in an accident, however, the applicant has a feeling that the informant failed to extend requisite cooperation to him. As such, he had animus in his mind against the informant. It is further alleged that on 6.1.2023, the informant dropped his daughter at the school bus. While he was talking with the bus driver, the applicant arrived at the spot and suddenly inflicted blow of fighter on his face with an intention to kill.

3. On the basis of aforesaid information, Crime No. 643 of 2023 for the offences punishable under sections 307, 504, 506 of IPC came to be registered against the applicant. The applicant has been arrested in pursuance of the aforesaid crime on 7th October, 2023. Since then he is behind bars. His prayer for grant of bail has been rejected by the learned Sessions Judge vide order dated 20th October, 2023.

4. Mr. Karpe, learned advocate appearing for the applicant submits that apparently, the informant has close contacts with the police machinery, hence, false and exaggerated version of the incident is narrated in police papers. He would submit that Section 307 of IPC has no application in the facts of the present case.

5. Learned APP, however, opposes the prayer for grant of bail on the ground that the victim has suffered fracture of nasal bone. He was required to undergo surgery. The injuries are of serious nature and on vital part of the body. He therefore urges to reject the application.

6. Having considered the submissions advanced, apparently, there are allegations against the applicant. The investigation papers show recovery of the weapon of offence i.e. fighter has been made from the spot of the incident. The statements of the witnesses have been recorded. The investigation is practically over. Further detention of the applicant would not be necessary. From the narration of the incident in the FIR, it cannot be inferred that the applicant had raised attack with intention to kill. Except injury to the nasal bone, no other serious injury is found on the person of the victim. In that view of the matter, a case is made out

for grant of bail, however, on certain conditions :-

7. **O R D E R**

- (i) The Bail application is allowed.
- (ii) Applicant – Parshuram Damodar @ Damu Gadade, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in connection with Crime No. 642 of 2023 registered with Police Station, Karjat, Dist. Ahmednagar, for the offences punishable under Sections 307, 504 and 506 r/w. 34 of IPC on the following conditions :-
 - [a] The applicant shall not tamper with the prosecution evidence;
 - [b] The applicant shall attend the police station once in a week on every Friday, between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.
 - [c] Application is accordingly disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-