

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

BAIL APPLICATION NO.2096 OF 2022

HARSHAL @ CHANNU DATTATREY RANE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. V. B. Patil
APP for Respondents: Mr. S. B. Narwade

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CORAM : S.G. MEHARE, J.
DATE : 30.01.2023

PER COURT :

1. Heard the learned counsel for the applicant and the learned A.PP for the respondent-state.
2. The applicant is seeking bail in C.R. No. 124/2022 registered with City Police Station, Bhusawal, Tal. Bhusawal, Dist. Jalgaon for the offences punishable under Section 307, 109, 326,323,504 read with Section 34 of the Indian Penal Code and Section 3/25,5/25, 27 of Arms Act.
3. The learned counsel for the applicant would submit that there were no eye witnesses to the incident. The applicant has been arraigned as an accused only on the suspicion. The applicant has been

falsely implicated in the crime. There is no incriminating evidence against him. The charge sheet has been filed. He is a young boy of twenty seven years old. He has family responsibility. The allegations of quarrels before the incident have been levelled falsely. No *prima facie* case is made out against the applicant to attract Section 307 of the Indian Penal Code. There is delay in lodging the report.

The co-accused Mukesh has been released on bail. Hence, he is entitled to parity. For these reasons, the applicant deserves bail.

3. The learned A.P.P. has strongly opposed the application. He would argue that the injured is the best witness. He is alleging against the applicant that the applicant took away a knife hanging to his waist and assaulted him. There are antecedents to the discredit of the applicant. The offence is serious. The applicant may tamper with the prosecution witnesses. Therefore, he may not be granted bail.

4. As far as the parity is concerned, the role attributed to the accused who is released on bail is altogether different. The injured is the best eye witness to the incident. The incident happened on the Tea-stall. Carrying deadly weapon and assaulting with it, is sufficient to prove the intention. The injured has suffered grievous injuries. There are antecedents to the discredit of the applicant. Considering

his past and the nature of injuries suffered by the injured, the possibility of tampering with the prosecution witnesses cannot be ruled out. The offence is *prima facie* grave supported with the circumstances. Hence, the applicant does not deserve bail.

5. The application stands dismissed.

(S. G. MEHARE)
JUDGE

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