

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

946 BAIL APPLICATION NO.1987 OF 2023

AJAY ANIL JAIN
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Y V. Kasliwal And Rahul Kasliwal
Pratik Kasliwal

APP for Respondents : Mr. S.P. Deshmukh

Advocate for Assist to APP : Mr. D R Kale h/f K.P. Rathod

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CORAM : S. G. CHAPALGAONKAR, J.

Dated: November 10, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.358 of 2023 registered with Muktainagar police station, Tq. Muktainagar, District Jalgaon for the offences punishable under sections 307, 114, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Investigation has been set in motion on the basis of the information given by Ramchandra Bhagwan Patil, who alleges that on 26.9.2023 he had been to the courtyard of the applicant alongwith one Arvind Bodade. They asked co-accused Arvind Bodade as to why he abused a teacher namely Vishnu Rane. Upon that, the applicant/accused hurled abuses against the informant and instigated co-accused persons to assault the informant. Resultantly, co-accused Vaibhav hit iron stool on head of the informant, due to which he suffered bleeding injury. He was taken to the hospital by his companion

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Suhas Rane. Initially, he was treated in the hospital at Jalgaon, however, looking to the seriousness of the injuries, he has been referred to Higher Center. On the basis of the aforesaid information, crime no.358 of 2023 has been registered against the applicant and co-accused persons for the offences as stated above.

3. Learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime on account of political rivalry between two groups. He would submit that even going by the allegations in the FIR, the applicant is treated as instigator. There is no allegations of overact against the applicant. The applicant is behind bar from the date of the registration of the offence i.e. 27.9.2023. Investigation in the crime is practically over. Further detention of the applicant would not be necessary.

4. Learned A.P.P. as well as learned advocate appearing for the informant strongly opposes the prayer for grant of bail. They would submit that it is only on the instigation of the applicant, aforesaid crime has taken place. They would point out that the applicant is a hardened criminal and as many as five offences have been registered against him. He runs a gang of Gundas and indulge himself in the criminal activities. Release of the applicant at this stage may give rise to recurrence of similar incident. They would therefore urge that the application be rejected.

5. Having considered the submissions advanced and after perusal of the record of investigation made available before this Court, apparently, the allegations of assault and causing injury to victim is against accused Vaibhav Bodade, who hit Iron stool on the head of the informant. Pertinently, the incident took place in the Courtyard of the applicant. The first informant alongwith his companion had been to the house of applicant/accused. It appears that there was some quarrel resulting into assault on informant by co-accused. Whether assault was with intention to kill would be the matter of evidence. However, it can be observed that informant suffered serious injury. Investigation in the matter is practically over. Recovery of incriminating article is made from co-accused. Since the applicant is not attributed any role in actual assault and he is behind bar for more than 40 days as on today, further detention of the applicant need not be continued. However, in the interest of the prosecution, some stringent conditions are required to be imposed. In that view of the matter, case is made out for grant of bail. Hence, the following order.

O R D E R

- i. Bail Application is hereby allowed.
- ii. The applicant - Ajay Anil Jain be released on bail in connection with Crime No.358 of 2023 registered with Muktainagar police station, Tq. Muktainagar, District Jalgaon for the offences punishable under sections 307, 114, 323, 504, 506 r/w 34 of the Indian Penal Code on his furnishing

P.B. & S.B. of Rs.50,000/- (Rs.Fifty Thousand), on the following conditions :-

- a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall not indulge himself in any criminal activities.
 - c] The applicant shall visit the concerned police station once in a week i.e. on every Monday between 2 pm to 4 pm till filing of the charge-sheet.
 - d] Except as directed above, the applicant shall not enter within the municipal council limits of Muktainagar for further period of four months.
- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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