



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

BAIL APPLICATION NO.2075 OF 2023

**AKASH S/O SUDAM PANDIT
VERSUS
THE STATE OF MAHARASHTRA**

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Mr. Chandrakant P. Patil h/f Mr. Kiran A. Misal, Advocate for the Applicant.

Mr. S. A. Gaikwad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.267/2023 registered with Gangapur Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by Gautam Shantavan Pandit, who alleges that on 10.06.2023 at about 06.00 pm he alongwith his brother and sister were sitting on platform in front of his house. The accused persons were sitting on the platform of Samaj Mandir. They were raising abuses towards the informant and his family members. When they were interrupted, the accused Mandeep gave fist blows to the informant. The accused Prakash took out axe from the house and inflicted blow on the head of the Rohit Balu Pandit. It is further alleged that the applicant i.e. Akash Pandit gave blows of stick on the head of the informant. Consequently, he suffered injury requiring four stitches. It appears that, the injured Rohit Balu Pandit succumbed to the injury. The applicant alongwith other accused persons has been arrested on 11.06.2023. Since

then, he is behind the bar. The investigation progressed. The charge-sheet is filed. His prayer for grant of bail has been rejected by Court of Sessions vide order dated 04.11.2023. It is reported that now the matter is committed to the Court of Sessions. Hence, this application.

3. The learned Advocate appearing for the applicant would submit that the limited role is attributed against the applicant that he caused head injury to informant using stick. By inviting attention of this Court to the contents of the FIR he would submit that the informant was discharged on the same day of the incident. He would further submit that it was sudden and there was no premeditated act. He would, therefore, urge that the applicant be released on bail.

4. The learned APP strongly opposes the prayer for grant of bail on the ground that the applicant was member of unlawful assembly holding deadly weapon in his hand. The victim of the assault namely Rohit Balu Pandit succumbed to the injury. The role of the applicant cannot be segregated from the role of other accused persons.

5. Having considered submissions advanced, apparently the allegations against the applicant are regarding assault to the first informant. The first informant has suffered injury on his head. However, he was discharged on the same day. Whether it is a case of unlawful assembly or whether the applicant was member of the unlawful assembly are questions to be decided in trial. The learned APP confirms that there are no criminal antecedents to discredit the applicant. Looking to individual role attributed against the applicant and nature of injury suffered by case informant, case is made out for bail.

6. The applicant is behind the bar from 11.06.2023. The investigation in the matter is complete. The accused nos.3, 4 and 5 are already released on bail. Further, detention of the applicant would not be necessary. Hence, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Akash S/o Sudam Pandit, be released on bail in Crime No.267/2023 registered with Gangapur Police Station, Dist. Aurangabad for the offences punishable under Sections 302, 307, 326, 324, 143, 147, 148, 149, 504, 506 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every date of hearing before the Trial Court.
 - c. The applicant shall not indulge in similar activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE