



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

902 BAIL APPLICATION NO. 2143 OF 2023

RUSHIKESH SANTOSH PALODKAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for the applicant : Mr. Chaitanya C. Deshpande
APP for respondent/State : Mrs. P.J. Bharad
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CORAM : S.G. CHAPALGAONKAR, J.

DATE : 15.12.2023.

PER COURT :

1. The applicant seeks regular bail in connection with Crime No. 199 of 2023 registered with Osmanapura police station, District Aurangabad, for the offences punishable under sections 307 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Shashikant Manohar Barthune, who alleged that on 19.10.2023 he had been to the shop namely Jeet Xerox, situated in Osmanapura area. His friend Naresh works in the said shop. The informant was sitting in the said shop and

attending online meetings. At about 7.30 hours he heard a noise of pelting stones. His friend Naresh went out side the shop. Again he heard a noise of pelting stones. When the informant went out of the shop, he saw two persons standing beside a motorcycle had altercation with Naresh. While Naresh asking them why they are pelting stones, one of the culprit hit stone causing injury on the head to the informant and another stone hit his right thigh. At the same time, another culprit took out a knife and inflicted injury on the stomach of the informant. The informant suffered severe injuries on his head and thigh because sudden assault at the hands of two accused persons.

3. During the course of investigation the applicant has been arrested with co-accused. They were subjected to identification parade. The victim has identified both of them to be the culprits. The prayer of the applicant for grant of bail has been rejected by the Court of Sessions vide order dated 09.11.2023.

4. Mr. Deshpande, learned Advocate appearing for the applicant submits that the F.I.R. suggests that the culprits to be two unknown persons. The applicant has been falsely

implicated. He would point out that the allegation as regard to bleeding injury on stomach of informant is only against co-accused and even recovery of weapon is made from him. The applicant was simply standing beside his motorcycle and no role is attributed against him.

5. The learned APP strongly opposed the prayer for grant of bail and points out that the victim has suffered severe injuries. One of them is stab injury.

6. Having considered the submissions advanced, it is apparent from the contents of the F.I.R. that two culprits are responsible for causing injuries to the victim. The first culprit is alleged to have inflicted injuries to informant by pelting stones and second is alleged to have inflicted injury with knife. Even it is assumed that the injury by knife is attributable to co-accused, on prima-facie consideration the contents of the F.I.R. the allegations that another culprit pelted stones and caused injuries to informant remained intact. The applicant and other co-accused were subjected to identification parade and identified them to be the culprits. It is seen from the record that

as many as 7 offences are registered against the applicant and he is a habitual offender. The release of the applicant at this stage may hamper further investigation, which is still in progress. In that view of the matter, no case is made out for grant of bail, hence the application stands rejected.

(S.G. CHAPALGAONKAR)
JUDGE

mahajansb/