



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.2163 OF 2023**

AKASH SANTOSH HANWATE
VS
THE STATE OF MAHARASHTRA AND ANOTHER

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Mr. D. M. Shinde, Advocate for the Applicant.
Mrs. P. J. Bharad, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th DECEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.346/2023 registered with Hingoli Rural Police Station, Dist. Hingoli for the offences punishable under Section 307, 326, 323, 204, 506 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by Nitesh Manik Ingole. In nutshell it is alleged that the informant is serving at Pune, whereas the accused earns his livelihood by driving auto rickshaw. On 25.03.2023 while informant was at his village, the accused demanded him Rs.5000/- by way of hand loan. The informant refused to lend the money. Since then, accused had grudge against him. It is further alleged that on 22.06.2023 the informant came back in the village for attending marriage function. The accused came in the night, since his auto rickshaw was hired by family members of the informant. It is further alleged that in the night at about 11.30 pm the informant went to Viraj Dhaba. At that place the accused had altercation with the informant, he hurled abuses and raised attack of knife against informant. The informant suffered injuries on stomach, back and

ribs. When cousin of the informant namely Vishal Ingole attempted to pacify, the accused raised attack against him and inflicted injury of knife on his ribs. On the basis of aforesaid information Crime No.346/2023 came to be registered with Hingoli Rural Police Station. The applicant has been arrested on 16.08.2023. Since then, he is behind the bar. The investigation in the matter is complete. The charge-sheet is filed. The prayer of the applicant for grant of bail has been rejected by the Court of Sessions vide order dated 04.11.2023. Hence, this application.

3. Mr. Shinde, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. The FIR is belatedly lodged. The statement of cousin brother namely Vishal Ingole of the informant was recorded at hospital, wherein no reference is made to attack on informant. He would submit that the investigation in the matter is complete. The charge-sheet is filed. Further detention of the applicant would not be necessary. Hence, he urges to release the applicant on bail.

4. The learned APP strongly opposes the prayer for grant of bail. She points out that the applicant raised brutal attack on first informant as well as his cousin. Total five grievous injuries are noted on his person. Similarly, his cousin Vishal Ingole also suffered grievous injuries. There is recovery of incriminating articles from the applicant. The witnesses of incident concurs narration in the FIR. As such, strong evidence is available against the applicant. His release may hamper smooth trial.

5. Having considered submissions advanced, it is apparent that the incident dated 22.06.2023 reported on

17.07.2023 is culminated into FIR. However, depicts specific allegations indicating the role of the applicant in commission of offence. Pertinently, the statement of injured Vishal Ingole has been recorded at hospital on 27.06.2023, wherein he refers to some scuffle, without whispering about injuries suffered by the first informant. Be that as it may, the evidence collected and made part of the charge-sheet indicate that there are supporting eye witnesses. The recovery of incriminating article i.e. knife has been made at the instance of the applicant. *Prima facie*, there is evidence to show complicity of the applicant in commission of offence.

6. Apparently, inception of dispute appears to be demand of hand loan of Rs.5000/- by applicant. There is no other dispute between the applicant and first informant. The incident happened at the spur of moment. Although the victim suffered five grievous injuries, the *prima facie* intention to kill cannot be gathered from material on record. Whether offence under Section 307 of the Indian Penal Code attracts or not would be the matter of trial. The investigation in the matter is complete. The charge-sheet is filed. The applicant is behind the bar for about four months. The learned APP confirms no criminal antecedents are reported to his discredit. In that view of the matter, further detention of the applicant is not necessary. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Akash S/o. Santosh Hanwate be released on bail in Crime No.346/2023 registered with Hingoli Rural Police Station, Dist. Hingoli for the offences punishable under Section 307, 326, 323, 204, 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 effective date before Trial Court.
 - c. The applicant shall not indulge in similar activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE