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

947 BAIL APPLICATION NO.2261 OF 2023

Gajanan Jagannath Kurhe,
Age-20 years, Occu-Education
R/o. Anand Nagar, Purna,
Tq. & Dist. Parbhani

...APPLICANT

VERSUS

The State of Maharashtra,
through Purna Police Station,
Dist. Parbhani

...RESPONDENTS

Mr. Nilesh S. Ghanekar, Advocate for the applicant
Mr. S. A. Gaikwad, APP for the respondents/State

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22th DECEMBER, 2023

P. C.

1. The applicant seeks regular bail in connection with the crime No. 232/2023 registered at Purna Police Station, Dist. Parbhani for the offences punishable under Sections 307, 143, 147, 148, 149, 323 of the Indian Penal Code.

2. Investigation was set in motion on the basis of

information given by the Ajay Galande. In nutshell it is alleged that on 28-09-2023 being a last day of Ganesh Visarjan (Submersion of Ganpati). Procession was going on. The accused persons have participated in the procession and while dancing they were causing disturbance. The informant who is President of Mandal asked them to leave the spot. Being enraged by action of the informant the accused Omkar Rawale caught hold the informant. The accused Prathamesh Phad gave four blow of knife to the left side shoulder of the informant. The accused Gajanan Kurhe i.e. present applicant, inflicted blow of knife on left portion of informant's chest. When the friend of informant attempted to pacify accused Dayanand gave a blow of knife on neck of Ganesh Kurhe. The accused Prathamesh Phad stabbed knife on right thigh of Gajanan Suryawanshi. All the accused persons assaulted him by fists and kick blows. The informant suffered bleeding injuries. He was immediately shifted to hospital at Purna, then transferred to Government Hospital at Nanded. Based on this information Crime No. 232/2023 came to be registered with Purna Police Station. The applicant came to

be arrested on 30-09-2023 since then he is behind the bar.

3. Mr. Ghanekar, learned advocate appearing for the applicant submits that the applicant is a student and falsely implicated in the above said crime. He would submit that the applicant is behind the bar for more than two and half months. The investigation in the matter is complete. The charge-sheet is filed. On instructions he makes a statement that there are no criminal antecedents. He would further point out that the accused Prathamesh against whom there are graver attributions has been enlarged on bail vide order dated 21-12-2023 passed by the learned Sessions Court. Therefore, he would urge to release the applicant on bail.

4. Having considered the submissions advanced apparently allegations in the FIR pacify the role of the applicant in commission of offence. While holding the knife, he inflicted blow on informant's chest. The injury certificate issued by the Rural Hospital, Purna show incised wound on left chest of the

informant. Nature of injury is described as simple. Discharge card show that the informant has been discharged from hospital on 02-10-2023. The investigation in the matter is complete. Prima-facie offence under Section 307 may not attract. The charge-sheet is filed. The trial would take its own course. Further detention of the applicant would not be necessary. Hence the case is made out for grant of bail subject to certain conditions. Hence, the following order:-

ORDER

- i. Bail application is hereby allowed.
- ii. The applicant Gajanan Jagannath Kurhe shall be released on bail in connection with crime No. 232/2023 registered at Purna Police Station, Dist. Parbhani for the offences punishable under Sections 307, 143, 147, 148, 149, 323 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rupees Fifty Thousand) on the following conditions.

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- a. The applicant shall not tamper the prosecution evidence.
 - b. The applicant shall attend each and every date before the trial court.
 - c. The applicant shall attend the concerned police station once in a week i.e. on every Friday between 10.00 am to 02.00 pm till filing of the charge-sheet.]
 - d. The applicant shall not indulge in any criminal activities.
 - e. It is made clear that the observations made above are prima-facie in nature and restricted for the purpose of disposal of this application.
- iii. Bail application is accordingly disposed off.

[S. G. CHAPALGAONKAR, J.]

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