



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 2575 OF 2023

AKASH GOPINATH WAGHMARE ..APPLICANT
VS.
THE STATE OF MAHARASHTRA ..RESPONDENT

Adv. Tushar Sonawane or the Applicant (through V.C.).
Mr. N. B. Patil, APP for the State.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 03, 2023

P.C. :

- 1.** Heard learned counsel for the applicant and learned APP for the State.
- 2.** This is an application for bail in respect of the offence punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code and Section 135, 37(1), 37(3) of the Maharashtra Police Act, 1951, registered on 11/11/2022 vide C.R. No.165 of 2022 with Ozar Police Station.
- 3.** The applicant had approached this Court by filing an application for pre-arrest bail. He was granted interim

protection. Later on, the application was rejected. The applicant surrendered on 14/03/2023. The applicant was the main accused. He assaulted the informant with a chopper. It is the prosecution's case that there was some quarrel which was raised by the informant Sandesh in view of some previous enmity with Gopinath. The informant entered the house of the Gopinath Waghmare and a scuffle took place. There are in all 7 accused. The role assigned to the applicant is that he assaulted the informant on the left side of the stomach with a chopper.

4. I have gone through the injury certificate. There is a cross-case registered from the side of the applicant. It is alleged by the applicant's side that the informant Sandesh inflicted injury on Swapnil Waghmare with a knife. All the other co-accused are enlarged on bail and some of them are on pre-arrest bail.

5. Learned APP opposed the application contending that the injury inflicted is serious in nature.

6. In the facts and circumstances of the present case, I am inclined to enlarge the applicant on bail, considering

that the investigation is complete and the charge-sheet has been filed. Further custody will only be by way of a pre-trial punishment. Considering the nature of the accusations it is necessary to impose conditions. Learned counsel for the applicant states that the applicant is willing to reside outside the jurisdiction of the police station where the offence is registered. There are no criminal antecedents reported against the applicant. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicant- Akash Gopinath Waghmare in connection with C.R. No.165 of 2022 registered with Ozar Police Station shall be released on bail on his furnishing P.R. Bond of Rs.25,000/- with one or more sureties in the like amount.
- (c) The applicant is permitted to furnish cash bail surety in the sum of Rs. 25,000/- for a period of 6 weeks in lieu of surety.
- (d) The applicant shall attend the Investigating Officer of Ozar police station once in a month every first Monday of the month between 11.00 a.m. and 1.00 p.m.

(e) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicant shall not tamper with evidence.

(f) On being released on bail, the applicant shall furnish his contact number and residential address to the Investigating Officer and shall keep him updated, in case there is any change.

(g) Except for the purpose of reporting to the Investigating Officer, the applicant shall not enter the jurisdiction of Ozar police station after being released on bail, till the trial concludes or subject to further modification by the trial Court.

(h) The applicant shall attend the trial regularly. The applicant shall co-operate with the trial Court and shall not seek unnecessary adjournments.

7. The application is disposed of.

(M. S. KARNIK, J.)