



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 BAIL APPLICATION NO. 33 OF 2024

Mahadeo Dyanoba Holambe

VERSUS

The State of Maharashtra and another

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Advocate for Applicant : Mr. Sawant Eknath P.
APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 29th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of Cr.P.C. in connection with crime No. 0271 of 2023 registered with Parali (Rural) police station, District Beed, for the offences punishable under Sections 307, 323, 324, 325, 504 r.w. 34 of I.P.C. His application with similar prayer bearing criminal bail application No. 479 of 2023 came to be rejected by the learned Additional Sessions Judge, Ambajogai, vide order dated 18.12.2023.

2. The applicant and other accused persons are arrested on the allegations that the applicant alongwith his wife and son, on account of earlier quarrel, had assaulted the informant by a sickle and iron rod.

3. Learned counsel for the applicant pointed out that daughter of this applicant lodged a report under Section 354 of I.P.C. against the

nephew of the informant and two others. They were insisting to compromise the matter, however, the applicant was not ready to compromise the said matter. Therefore, he is falsely implicated in the crime. Learned advocate for the applicant submitted that two co-accused i.e. the wife and son of the applicant are granted pre-arrest bail. The investigation is over and the charge sheet is filed. He lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and contended that the applicant is involved in serious crime by assaulting on the head of the informant by sickle and the informant sustained grievous injuries. Considering serious nature of the crime, she lastly prayed to reject the application.

5. Perused the papers of investigation. There are two injury certificates of the informant. Earlier one shows simple injuries whereas the later shown grievous injuries. Apart from merits of the case, entire investigation is over. The applicant is not having criminal antecedents. He has roots in the society. He will not flee from trial. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

I. Application is allowed.

- II. The applicant in connection with crime No. 0271 of 2023 registered with Parali (Rural) police station, District Beed, for the offences punishable under Sections 307, 323, 324, 325, 504 r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-
- a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not enter within the limits of village Helamb, Tq. Parali Vaijinath, District Beed, till the conclusion of trial.
 - c) The applicant shall prevent himself from involving in similar nature of crimes.

(SANJAY A. DESHMUKH, J.)

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