



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 BAIL APPLICATION NO. 59 OF 2024

Digamber Yadav Bhosale

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. S.P. Katneshwarkar h/f Mr. Sachin
S. Panale

APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 1st MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Cr.P.C. in connection with crime No. 335 of 2023 registered with Killari police station, District Latur for the offences punishable under Sections 143, 147, 148, 149, 326, 323, 504, 506 of the I.P.C. His application with similar prayer bearing criminal M.A. Bail No. 894 of 2023 came to be rejected by the learned Additional Sessions Judge, Latur, vide order dated 27.12.2023.

2. It is averred in the report that a quarrel took place between the applicant and his brother etc. on account of some agricultural land. Therefore, the report was lodged as the informant's son and other relatives sustained injuries in the said incident.

3. Learned advocate for the applicant submitted that all co-accused persons are released on bail. The role attributed to this applicant is that he assaulted by blunt side of the axe to one Shriniwas. However, though injuries are shown as grievous injuries in the injury certificate of Shriniwas in fact those were lacerated wounds. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. He therefore prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant is involved in serious crime. The charge sheet is not yet filed. The possibility of repeating such type of incident cannot be ruled out. It is lastly prayed for rejection of the application.

5. Perused the papers of investigation, particularly the report, statement of injured witness and medical certificate. The injuries sustained by Shriniwas show that those were lacerated and abrasions. Though it is alleged that he was assaulted with an axe, no such incise wounds are seen from the medico legal certificate. The applicant has roots in the society. He will not flee away from the trial. The trial will take a long period. Considering the facts and circumstances of the case the application deserves to be allowed by directing the applicant to stay away from village Killari till the conclusion of trial. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 335 of 2023 registered with Killari police station, District Latur for the offences punishable under Sections 143, 147, 148, 149, 326, 323, 504, 506 of the I.P.C. be released on bail on furnishing personal bond of Rs.25,000/- 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 into village Killari, Tq. Ausa, District Latur till final decision in of the case.

(SANJAY A. DESHMUKH, J.)

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