



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.75 OF 2024**

Rushikesh S/o Santosh Palodkar,
Age: 22 years, Occu: Mechanic,
R/o.- Galli No.7, Pundalik Nagar,
Garkheda Parisar, Aurangabad.

..Applicant

Versus

The State of Maharashtra,
Through Investigation Officer,
Osmanpura Police Station, Aurangabad.

..Respondent

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Mr. H. D. Deshmukh, Advocate for the Applicant.
Mr. V. M. Jaware, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 19th JANUARY, 2024**

ORDER:-

1. The applicant seeks regular bail in connection with Crime No.199/2023 registered with Osmanpura Police Station, Dist. Aurangabad for the offences punishable under Sections 307 r/w 34 of the Indian Penal Code.

2. The investigation was set in motion on the basis of information given by one Shashikant Barthune, alleging that on 19.10.2023 he had been to Jeet Xerox situated in Osmanpura area. At about 07.30 hours he heard the noise of pelting stones. His friend Naresh immediately rushed outside the shop. The informant followed him. Suddenly, culprit pelted a stone causing head injury to the informant. Another culprit took out knife and stabbed on stomach of the informant. On the basis of such information, an offence came to be registered against unknown culprits. The applicant came to be arrested in pursuance of the aforesaid crime and he was subjected to identification parade. It is alleged that informant identified both accused persons. The

applicant had previously moved application for grant of bail before the Sessions Court as well as this Court. Since the investigation was in progress, his prayer was rejected. After filing of the charge-sheet, the applicant had moved afresh before the Sessions Court. However, his application came to be rejected on 06.01.2024. Hence, this application.

3. Mr. Deshmukh, learned Advocate appearing for the applicant would submit that the FIR was lodged against two unknown persons. During the course of investigation, the recovery of weapon is made from the co-accused. Perusal of the injury certificate shows that the first informant had suffered grievous injuries. However, now investigation has been completed and charge-sheet is filed. The applicant is behind the bar for more than three months. Further detention of the application 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. He would submit that the first informant suffered grievous injury on his stomach. Criminal antecedents reported to discredit applicant.

5. Having considered submissions advanced, it is apparent that there is nothing to infer that the applicant has any intention to kill the informant. The role of the applicant can be inferred as regards pelting of the stone, thereby causing injuries to the first informant. The weapon of offense has been recovered at the instance of co-accused. On prima facie consideration, offence under Section 307 of the Indian Penal Code may not attract looking the nature of incident and injuries suffered by

victim. Although it is contended that there are criminal antecedents, looking to the fact that the investigation is complete, charge-sheet is filed and applicant is behind the bar for more than three months, further detention of the applicant need not be continued. Resultantly, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Rushikesh S/o Santosh Palodkar be released on bail in Crime No.199/2023 registered with Osmanpura Police Station, Dist. Aurangabad for the offences punishable under Sections 307 r/w 34 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 the Trial Court.
 - c. The applicant shall not indulge in criminal activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE