



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 BAIL APPLICATION NO. 83 OF 2024

VISHAL JALINDAR KATE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr.Abhinay D. Khot h/f Mr. Salunke Nitin S.
APP for Respondent/State : Mr.Mukesh K. Goyanka

.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 2nd FEBRUARY, 2024.

PER COURT :-

1. This application is filed for granting bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant is arrested in crime no.1582 of 2023 registered at Tophkhana Police Station, Dist. Ahmednagar, for the offences punishable under sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code.

2. Informant averred in the report that he along with Shadab went to Meghnand Hotel situated at Dosti Chowk, Kotala, Ahmednagar. There the co-accused, who was doubt that his sister and her friend were seen in the photographs of Dandia function, and therefore, there was doubt in his mind. They went there to confirm about that fact in the CCTV footage for Meghnand hotel. That time,

Rakhi made phone call to Vishal Kate, the applicant and asked him to come there along with friends. Suddenly, 5-6 persons came there having wooden logs, axe by the motorbike and assaulted informant and Shadab. That time, Shadab sustained serious injuries to his head and felled down. Informant and Jamir, his cousin ran away. Shadab was admitted in the Civil Hospital, Ahmednagar. The report was lodged on the second day of incident.

3. The learned advocate for the applicant pointed out the remand report dated 08.11.2023, in which it is mentioned that CCTV footage was examined, however, no any supporting material found in it to connect the applicant and other co-accused with this crime. The learned advocate for the applicant submitted that the applicant has not participated in the crime, however, he has been falsely implicated in the crime. The applicant has roots in the society. He will not flee away from the trial. The learned advocate lastly prayed to allow the application.

4. The learned APP strongly opposed the application and submitted that the applicant is arrested in the serious crime and there is evidence of eye witnesses. Considering the fact that investigation is not completed and the charge-sheet is not filed, he lastly prayed to reject the application.

5. Perused the report and papers of investigation. The remand report pointed out by the learned advocate for the applicant does not disclose that the applicant was one of the assailants. Though his name is mentioned in the report, it is not specifically pointed out as to who assaulted Shadab. It is averred in the report that 5-6 persons came there with wooden log and they assaulted Shadab. The injury certificate shows that Shadab sustained simple injuries. Considering all these aspects, the applicant can be released on bail on certain conditions. Further the applicant has roots in the society. He will not flee away from the trial. The trial would take long period. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime no.1582 of 2023 registered at Tophkhana Police Station, Dist. Ahmednagar, for the offences punishable under sections 307, 324, 143, 147, 148, 149 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount, on following conditions:-
 - a) The applicant shall attend the Tophkhana Police Station twice in a week in between 8 to 9 p.m. till filing of the charge-sheet.

- b) The applicant shall not indulge into such activities.

(SANJAY A. DESHMUKH, J.)

sga