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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 84 OF 2024

Prem Asaram Sapate
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 22nd MARCH, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 267 of 2023 registered with Pundliknagar police station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 146, 147, 148, 149 of the I.P.C. and under Section 135 of Maharashtra Police Act. His application with similar prayer bearing criminal bail application No. 2324 of 2023 came to be rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 7.11.2023.

2. It is averred in the report by the informant that when he was standing in the vegetable market with his friends, at that time, the applicant and other co-accused came there. One of them, Nitin Jadhav, asked them as to what Nitin Kedar was talking with them

and why he went away. The informant said that they don't know. That time, Nitin Jadhav took a chopper in his hand and started to assault him. Nitin Jadhav told his friends that don't allow the informant and his friends to go and they will eliminate him. Nitin Jadhav assaulted by a chopper on his right eye and cheek of the informant. Other accused also assaulted him by knife. Thereafter, the informant fell down. He was admitted in CIIGMA hospital. He lost his right eye. Thereafter, report was lodged.

3. Learned advocate for the applicant submitted that one of the co-accused Suraj Bhagwan Khandagale is released on bail by this Court by order dated 4.1.2024 in bail application No. 2193 of 2023. The applicant has roots in the society. 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 submitted that the applicant assaulted the informant by knife. There is evidence of eye witnesses and the witnesses who have experienced the assault. There is possibility of occurrence of similar crime on the part of this applicant. He lastly prayed to reject the application.

5. Perused the charge sheet, particularly report and injury

certificate. The informant sustained injuries to his back. Those injuries are not grievous in nature. The other co-accused are released on bail. The applicant has roots in the society, he has no criminal antecedents, he will not flee away from trial and the trial will take a long time. 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. 267 of 2023 registered with Pundliknagar police station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 146, 147, 148, 149 of the I.P.C. and under Section 135 of Maharashtra Police Act, 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 witnesses, in any manner.
 - b) The applicant shall not enter into Garkheda area till the conclusion of trial.

(SANJAY A. DESHMUKH, J.)