



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

934 BAIL APPLICATION NO. 179 OF 2024

Sachin Devidas Bhawal
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Siddharth B. Paikrao
APP for Respondents: Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 6th 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. 504 of 2023 registered with Mukundwadi police station, District Aurangabad for the offences punishable under Sections 397, 395, 323 r.w. 34 of the Indian Penal Code (For short "I.P.C.") His application with similar prayer bearing criminal bail application No. 2700 of 2023 came to be rejected by the learned Additional Sessions Judge, Aurangabad, vide order dated 01.01.2024.

2. It is averred in the report that the applicant and other accused persons assaulted the informant, who was selling the bed-sheets and forcibly took away an amount of Rs.7000/- from his pocket. The informant sustained injuries to his stomach. Thereafter, they fled away. The peoples were gathered there but nobody was willing to

help the informant. The informant was admitted in the Government hospital. The report was lodged on the same day.

3. Learned advocate for the applicant submitted that there are general nature of allegations that the applicant and other accused persons assaulted the informant by knife but the injury certificate is not corroborating the same. He submitted that the applicant is behind bars since three months, he will not flee away from trial, the trial will take a long period. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the statements of eye witnesses and injury certificate. There is one injury sustained to the informant. The report shows that he was assaulted by this applicant and other accused by knife and fist and kick blows. Learned A.P.P. therefore, prayed for rejection of the application.

5. No doubt, the applicant has criminal antecedents. He is prosecuted in two other cases, however, considering the vague allegations against him that he assaulted the informant by knife, but there is no such reliable material against him. Considering the facts that the applicant has roots in the society, he will not flee away from trial and trial will take a long period, 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. 504 of 2023 registered with Mukundwadi police station, District Aurangabad for the offences punishable under Sections 397, 395, 323 r.w. 34 of I.P.C. 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 not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not enter into the Roshangate, Karim Colony, Behind Sadat Masjid area till the conclusion of the trial.
 - c) The applicant shall not indulge in similar nature of offences.
 - d) If any breach of the above conditions is noticed by the trial court, the trial court is at liberty to cancel the bail of the applicant without reference to this court.

(SANJAY A. DESHMUKH, J.)

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