



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

16 BAIL APPLICATION NO. 183 OF 2024

BHAGWAT BALASAHEB SUKE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Swapnil S. Rathi.
APP for Respondent/State : Mrs. Pratibha J. Bharad.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 18th March, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.316 of 2023, registered with Purna Police Station, District Parbhani, for the offences punishable under Sections 326, 504, 506 and 294 read with 34 of the Indian Penal Code.

3 It is averred in the report by the informant that she went to her farm. That time, the applicant and other accused came there. When she was putting some dung in dung-pit, the applicant and co-accused assaulted her. The applicant assaulted on her leg by sickle. She became unconscious. Thereafter, her husband came there. The applicant also assaulted him and threatened to kill

him. They hurled abuses in filthy language. Therefore, the report was lodged.

4 The learned counsel for applicant submitted that there is six days delay for lodging the report. The applicant is falsely implicated in the crime due to earlier enmity. The applicant has roots in the society. He has no criminal antecedents. The quarrel took place on account of earlier enmity. However, the applicant is falsely implicated in the crime. The co-accused are released on bail. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in serious crime. He has assaulted the innocent woman by sickle. The injury certificate corroborates the story of the prosecution. Mere delay for lodging the report is not a ground to grant bail. It is lastly prayed to reject the application.

6 Perused the papers of investigation, particularly, the report and the injury certificate of the informant. The practical investigation is over. There is delay caused for lodging the report. The trial will take long period. The applicant has no criminal antecedents. His presence can be secured. As far as pressurizing the prosecution witnesses is concerned, certain conditions can be imposed on the applicant. The

application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.316 of 2023, registered with Purna Police Station, District Parbhani, for the offences punishable under Sections 326, 504, 506 and 294 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.
 - c) The applicant shall not enter into village Nila, Taluka Purna, District Parbhani till conclusion of trial, without permission of the Court.
 - d) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further for cancellation of bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]