



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 286 OF 2024

Avinash Anjan Pimple
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondents: Mrs. Deepali S. Jape
Advocate for assist to A.P.P. :Mr. K.R. Sharma

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WITH
BAIL APPLICATION NO. 278 OF 2024

Vishal Sanjay Chavan
VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Vishal S. Nikale
APP for Respondents: Mrs. Deepali S.Jape
Advocate for assist to A.P.P. :Mr. K.R. Sharma

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 25th APRIL, 2024.

PER COURT :-

1. These are the applications for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 57 of 2023 registered with M.I.D.C. Waluj police station, District Chhatrapati Sambhajinagar (Aurangabad) for the offences punishable under Sections 302, 325, 324, 323, 504, 506, 143, 147, 149, 201 of the I.P.C. Their applications with similar prayer below Exh.17 and 13 in Sessions Case No. 176 of 2023 came to be rejected by the learned Additional Sessions Judge,

Vaijapur, vide order dated 19.1.2024.

2. It is averred in the report by the injured, who died later on, that on 9.7.2023 he went to his agriculture land. On account of some domestic reason, a quarrel took place between the informant and his wife Geeta. His wife Geeta told that incident to her parents. When the deceased-informant came to home from the agricultural land situated at Ambelohal, his father in law, Sanjay Laxman Chavan, mother in law Parubai, brother in law Krushna and co-brother Karan Bhima Pawar went to his house. They questioned him as to why he has beaten their daughter, the wife of the informant. They started to beat the informant. That time, his brother in law Krushna assaulted on his legs and on both the hands, wherein the informant sustained fracture to his leg. Karan Pawar assaulted on his head by knife and the lower part of his leg. That time, he made hue and cry. Therefore, Afsar Akbar Patel, Sarang Kale and Ashok Ugle came there to rescue him. That time, the assailants threatened to kill him. He was thereafter admitted in the hospital. A report was lodged.

3. Learned advocates for the applicants submitted that the names of the applicants are not mentioned in the report, however, in the statements of the witnesses, which are recorded later on, the names are mentioned without specifying their role. Entire investigation is over. The further custody of the applicants are not required. The applicants have roots in the society, they will not flee away from the

trial, the trial will take a long time. It is lastly prayed to allow the applications.

4. Learned A.P.P. for the respondent-State and learned advocate to assist the A.P.P. strongly opposed the applications and submitted that the applicants are involved in serious crime of murder. The names of the applicants are mentioned in the statements of the witnesses. They will pressurize the prosecution witnesses. At the most, the trial can be expedited. It is lastly prayed to reject the applications.

5. Perused the charge sheet, particularly report and the statements of witnesses, injury certificate, post mortem report, which shows certain injuries sustained to leg, hands etc. of the deceased. However, no any incrementing articles are seized at the instance of the applicants. Their names are not mentioned in the report. The trial will take a long period. The applicants have no criminal antecedents. The applicants will not flee away from the trial. Considering the role of these applicants, they deserve to be released on bail on certain conditions, on the principle that bail is rule and jail is exception. Hence, the following order.

O R D E R

I. Applications are allowed.

II. The applicants in both the applications in connection with crime No. 57 of 2023 registered with M.I.D.C. Waluj police station, District Chhatrapati Sambhajnagar (Aurangabad) for the offences punishable under Sections 302, 325, 324, 323, 504, 506, 143, 147, 149, 201 of the I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- each with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicants shall attend the trial regularly.
- c) If any breach of the above conditions is noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of these applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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