



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 BAIL APPLICATION NO. 298 OF 2024

Shubham Vijay Sale
VERSUS
The State Of Maharashtra

Advocate for Applicant : Mr. N.L. Chaudhari
APP for Respondents: Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 11th 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. 38 of 2024 registered with Dhule city police station, District Dhule for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. His application with similar prayer bearing criminal bail application No. 108 of 2024 came to be rejected by the learned Additional Sessions Judge, Dhule vide order dated 08.02.2024.

2. The informant Akash Thorat averred in the report that on 28.01.2024 at about 8.00 p.m. when he was standing near one Bajrang Mandir, accused No.1 Nilesh Deore alongwith this applicant and other co-accused persons, picked up a quarrel on account of earlier quarrel took place at the time of Holi festival of 2021. Nilesh Deore assaulted him by knife. He sustained injuries to his back and

when he fell down on the ground, the applicant and other accused assaulted him by fist and kick blows. At that time, Nilesh Deore threatened that he will eliminate him and will not allow him to go to his house. The informant thereafter ran away. Thereafter, the report was lodged.

3. Learned advocate for the applicant submitted that role of this applicant is that he beaten the informant by fist and kick blows. Nothing is seized at his instance. He has roots in the society. He will not flee away from the trial. He has no criminal antecedents. He lastly prayed for allowing the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the injury certificate of the informant. He submitted that the applicant and all other co-accused assaulted the informant with intention to kill him. Therefore, Section 307 of I.P.C. is invoked against the applicant. The investigation is in progress and not yet completed. He lastly submitted to reject the application.

5. Perused the papers of investigation, particularly the report and injury certificate of the informant. The role of this applicant is that he beaten the informant after he fell down on the ground, by fist and kick blows. The practical investigation is over. The further custody of the applicant is not necessary. The applicant will remain present for

the trial. Considering his role, 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. 38 of 2024 registered with Dhule city police station, District Dhule for the offences punishable under Sections 307, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. 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 prosecution witnesses, in any manner.
 - b) The applicant shall not enter into Dhule city till the filing of the charge sheet.
 - c) If any breach of the aforesaid conditions is noticed, 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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