



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 BAIL APPLICATION NO. 303 OF 2024

Swapnil Ramdas Gaikwad

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Pathan Ziya Jakeriya

APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 28th 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. 189 of 2023 registered with Osmanpura police station, District Aurangabad (Chhatrapati Sambhajinagar) for the offences punishable under Sections 307, 120-B r/w 34 of the I.P.C. His application with similar prayer bearing criminal bail application No. 2713 of 2023 came to be rejected by the learned Additional Sessions Judge, Chhatrapati Sambhajinagar, vide order dated 08.02.2024.

2. It is averred in the report by the informant that his brother was assaulted by the co-accused Swapnil Kharat, Ashish Bhole, Vikki Kharat and Sonu Kharat, in the incident which took place in Osmanpura, Chhatrapati Sambhajinagar. Therefore, the report was lodged.

3. Learned advocate for the applicant submitted that the name of the applicant is not mentioned either in the report or in the statements of witnesses. He was not present there. However, he is falsely implicated in the crime. The applicant has roots in the society, 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 submitted that there is prima facie strong evidence against the applicant and he therefore, prayed for rejection of the application.

5. Perused the charge sheet, particularly report and the statements of witnesses. The name of this applicant is not mentioned in the report. His role is not specifically stated either in the report or in the statements of witnesses. No any article is recovered from the applicant. The applicant has roots in the society, he will not flee away from the trial, the trial will take a long period. The application therefore, 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. 189 of 2023

registered with Osmanpura police station, District Aurangabad (Chhatrapati Sambhajinagar) for the offences punishable under Sections 307, 120-B r/w 34 of the 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 witnesses, in any manner.

(SANJAY A. DESHMUKH, J.)

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