



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 BAIL APPLICATION NO. 366 OF 2024

Uddhav Vishwambhar Kotkar

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. A.T. Jadhavar
APP for Respondent/State : Mr.Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 12th MARCH, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0018 of 2024 registered at Sengaon Police Station, Dist. Hingoli, for the offences punishable under sections 307, 120-B read with 34 of the Indian Penal Code.

2. It is averred in the report by the informant of 55 years old that her husband was prosecuted for the offence punishable under section 376 of the Indian Penal Code on the instigation of this applicant and other accused. Accordingly that prosecutrix deposed in the Court that she lodged the report at the instigation of this applicant and other co-accused. They were demanding Rs.25,00,000/- to her

husband and trying to assault him.

3. On 19.01.2024, at about 7 p.m. husband of informant went for bringing the milk and the informant went for fetching some tablets from medical shop. That time, she got phone call from her neighbourer that her husband is assaulted. She immediately rushed there. Her husband was lying in injured condition in front of house of one Chetan Deshmukh and Kale Saheb. She asked him, as to what happen, at that time he told that present applicant and other co-accused assaulted by knife and sickle on his abdomen, left hand, left thumb and right eye. Therefore, he was admitted in the hospital at Sengaon. Thereafter, he was referred to Hingoli. There he was treated. On the second day, the report was lodged against the applicant and other co-accused.

4. The learned advocate for the applicant submits that the applicant has been falsely implicated in the crime. The applicant was at his home in the village and not on the spot of incident, which can be seen from the google maps timeline. He submits that the applicant is having no criminal antecedents and therefore, will not flee away from the trial. The applicant has roots in the society. The marriage of niece of applicant is scheduled on 18.03.2024. Therefore, it is lastly prayed to allow the application.

5. The learned APP for the respondent/State opposed the application and submits that the applicant is involved in serious crime

of attempt to commit murder. If he is released on bail, he will certainly cause hindrance for the trial by pressurizing the prosecution witnesses. There is injury certificate of the husband of informant. There is prima facie serious case against the applicant. It is lastly prayed to reject the application.

6. Perused the papers of investigation. There is no eye witness to the incident. The applicant is behind bars since 19th January, 2024. He will not flee away from the trial. Trial will take long period. Considering all these aspects, particularly, the presence of this applicant can be secured for trial, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in connection with crime No.0018 of 2024 registered at Sengaon Police Station, Dist. Hingoli, for the offences punishable under section 307, 120-B read with 34 of the Indian Penal Code 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 pressurize the prosecution witnesses and tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter into village Bhankheda, Tq.Sengaon, Dist. Hingoli till the conclusion of trial.

III. If any breach of the above conditions is noticed, the trial Court is at liberty to cancel the bail without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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