



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

911 BAIL APPLICATION NO. 417 OF 2024

YASHWANT NAGORAO HONSHETTE

VERSUS

THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Bilolikar Upendra Bapurao
APP for Respondent/State : Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 2nd APRIL, 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.246 of 2023 with Police Station, Ramtirth, Tq. Biloli, Dist. Nanded, for the offence punishable under sections 307 and 452 of the Indian Penal Code.

2. It is averred in the report that the informant is running grocery shop. The chocolates were taken by the applicant and he refused to pay for it. The incident took place on 16.12.2023, at about 10.35 a.m. in presence of so many persons. When the informant demanded some amount for that chocolates, the applicant said that he will pay that amount and went towards his house and came back running with vegetable cutter. He caught hold the head of the informant and assaulted on right side of his neck. Informant tried to rescue himself, that time he sustained injury to his right neck and

jaw. Again the applicant assaulted on his face. He sustained injury to his lower lip. The peoples gathered there caught hold and rescued the informant. He was admitted in the hospital and report was lodged on the same day.

3. The learned advocate for the applicant submitted that the charge-sheet is submitted. The applicant has roots in the society. He has no criminal antecedents. Trial will take long period. Injuries sustained to the informant are simple injuries. The custody of the applicant is not necessary for further investigation. He lastly prayed to allow the application.

4. The learned APP for the respondent-State strongly opposed the application and submitted that the applicant is involved in the serious crime. There is evidence of injured witnesses against the applicant. There is possibility of pressurizing the prosecution witnesses. It is lastly prayed to reject the application.

5. Perused the charge-sheet, particularly, the report and the injury certificate of the informant. He has sustained two injuries i.e. injury on right maler area of face and lower lip by the sharp edged weapon. However, nature of injuries are simple in nature. The applicant has no criminal antecedents. Trial will take long period. The applicant's presence can be secured for the trial. Considering all these aspects, the applicant is entitled for bail on the principle that bail is rule and jail is exceptional, on certain stringent conditions.

Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.246 of 2023 with Police Station, Ramtirth, Tq. Biloli, Dist. Nanded, for the offence punishable under sections 307 and 452 of the Indian Penal Code 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter in village Dhuppa (Shankarnagar), Tq.Naigaon (Khai), Dist. Nanded till the conclusion of trial.
- III. If any breach of the above conditions is noticed by the trial Court, the trial Court is at liberty to cancel the bail granted to this applicant without further reference to this Court.

(SANJAY A. DESHMUKH, J.)

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