



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 BAIL APPLICATION NO. 423 OF 2024

RAM YASHWANT GHARJALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Jamdar Kiran T.
APP for Respondent/State : Mrs.Dipali S. Jape

...
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.497 of 2023 registered with Police Station Shivaji Nagar, Dist. Latur, for the offences punishable under sections 307, 323, 504, 506 read with 34 of the Indian Penal Code.

2. It is averred in the report that the quarrel took place between the informant and the applicant on account of seat in the S.T. bus on 21.09.2023 and incident took place on 28.09.2023. Informant was caught hold by the applicant and other accused, who are released on bail by the Sessions Court. The said persons were taking the informant towards old railway road and while on Chatrapati Shivaji Maharaj Chowk to Dayanand College road, the applicant took out a knife and assaulted on the back of Raghav, the friend of

informant. He also assaulted informant. The applicant and other co-accused then ran away from the place. The applicant was admitted in hospital of Dr.Khandade at Latur. The applicant was operated there. The report was lodged on the second day of the incident.

3. The learned advocate for the applicant submits that the charge-sheet is filed. Investigation is over. Custody of the applicant is not required further. The applicant has roots in the society. Trial would take long period. He, therefore, prayed to allow the application.

4. The learned APP for the respondent/State strongly opposed the application and submitted that anticipatory bail application filed by the applicant was rejected by this Court. The applicant is involved in serious crime of attempt to commit murder of informant and his friend. She lastly prayed to reject the application.

5. Perused the charge-sheet, particularly the report and statements of the witnesses as well as injury certificates. Considering peculiar set of fact and facts and circumstances of the case, it would be proper to allow this application as the applicant has roots in the society, further custody of the applicant is not necessary, trial would take long period and the applicant will not flee away from the trial. Thus, the application deserves to be allowed on the principle that bail is rule and jail is exception 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.497 of 2023 registered with Police Station Shivaji Nagar, Dist. Latur, for the offences punishable under sections 307, 323, 504, 506 read with 34 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 visit the places of informant and injured witnesses and pressurize them.
- 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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