



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 BAIL APPLICATION NO. 428 OF 2024

SAGAR ASHOK TUPE
VERSUS
THE STATE OF MAHARASHTRA

Advocate for Applicant : Mrs.Kulkarni Rashmi S. a/w Ms.Namita
Thole & Mrs. Bhushan Kathar

APP for Respondent/State : Mr.Satish A. Gaikwad

.....
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.44 of 2024 registered with Khultabad Rural Police Station, Khultabad, Dist. Aurangabad, for the offences punishable under sections 307, 504 read with 34 of the Indian Penal Code.

2. The mother of Kiran lodged report that on 07.02.2024, when Kiran was at house, one Akas Chhabu Kamble came to the house at about 7 p.m. and asked her son Kiran as to why he sent message to his married sister. He dragged him outside the house. Akas assaulted Kiran by bricks on his stomach and thereafter on his head. That time, he was saying that he will eliminate Kiran. One out of them caught hold the hands of Kiran and another assaulted on his back by the knife. He was admitted in the hospital. Report was

lodged immediately.

3. The learned advocate for the applicant submitted that the applicant has roots in the society. Practical investigation is over. The trial will take long period. There are no criminal antecedents. Injury sustained to Akas is of simple nature. He was admitted in the hospital from 07.02.2024 till 20.02.2024. Considering all these aspects, it is 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. He caught hold Kiran in the order to facilitate that assault. Role of the applicant is specified in the report. Hence considering all these aspects and the investigation is in process, he lastly prayed to reject the application.

5. Perused the papers of investigation, particularly the report and injury certificate of Kiran. The practical investigation is over. The applicant has roots in the society. Trial will take long period. Considering all these aspects, the applicant is entitled for bail on the principle that bail is rule and jail is exception. 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.44 of 2024 registered with Khultabad Rural Police Station, Khultabad, Dist.Aurangabad, for the offences punishable under sections 307, 504 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 enter in village Saliwada, Khultabad, Tq. Khultabad, Dist. Aurangabad, till the filing of the charge-sheet.

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.)

sga