



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 442 OF 2024

Sani @ Sunil Ashok Gaikwad

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Salunke Nitin S.

APP for Respondents: Mrs. Deepali S. Jape

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 10th APRIL, 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. 31 of 2024 registered with Kopargaon police station, District Ahmednagar for the offences punishable under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. and under Section 4/25 (1-B)(b) of the Arms Act. His application with similar prayer bearing criminal bail application No. 73 of 2024 came to be rejected by the learned Additional Sessions Judge, Kopargaon, vide order dated 1.3.2024.

2. The informant averred in the report that a quarrel took place between the children. The applicant and other accused persons assaulted one Arshad and Avesh. They both sustained injuries to their head and back, respectively. They were assaulted with sword, sickle and hockey sticks. It is alleged that the applicant assaulted by

sword on the head of Tausif, uncle of the informant.

3. Learned advocate for the applicant submitted that on the same day the report is lodged by Yogesh Shinde and in that report, Harshal was assaulted by the parents of the children. Harshal sustained injuries to his head. That time, this applicant and other accused went to rescue him. All accused are released on bail. The applicant has roots in the society. The practical investigation is over. The further custody of the applicant is not necessary. He lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that a specific role is attributed to this applicant. He has used the sword in the commission of crime. There is strong evidence against the applicant. Injured Tausif sustained grievous injury. It is lastly prayed to reject the application.

5. Perused the papers of investigation, particularly report and the statements of witnesses alongwith injury certificate of Tausif. In the said certificate, it is mentioned that 'could be the grievous injury', which is sustained to the head at parietal region. The papers of investigation show that practical investigation is over. The applicant has roots in the society, the applicant will not flee from the trial, the trial will take a long period, the applicant has no criminal antecedents. Considering all these aspects, the application deserves

to be allowed on the principle that the bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 31 of 2024 registered with Kopargaon police station, District Ahmednagar for the offences punishable under Sections 326, 324, 143, 147, 148, 149, 323, 504, 506 of the I.P.C. and under Section 4/25 (1-B)(b) of the Arms Act, 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 tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) If any breach of the above condition is noticed by the trial court, the trial court is at liberty to cancel the bail of this applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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