



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 453 OF 2024

ASHOKSING @ BHAGATSING ISHWARSING BAWARI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Anup R. Nikam
APP for Respondent : Ms. D. S. Jape
...

CORAM : S. G. MEHARE, J.

DATE : 14-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.0300 of 2023 registered with Pachora Police Station, Taluka Pachora, District Jalgaon, for the offences punishable under Sections 307, 353 and 332 of the Indian Penal Code.
3. Earlier this Court had heard the learned counsel for the applicant and expressed disinclination to grant bail by order dated 06.05.2024. The learned counsel for the applicant sought time to take instructions. However, he could not take the instructions on given date. Today, he is seeking for order.
4. Learned counsel for the applicant submits that the injury suffered to the policeman is not grievous. It is a simple injury. The

applicant is a resident of Malkapur, District Buldhana. On the day of the alleged incident, he had been to the maternal uncle's home at Pachora. The investigation has been completed. Nothing is to be recovered from him. The chargesheet has also been filed. The applicant is 23 years old. Considering his age and the nature of injury, he may be granted bail. That apart, his further detention would serve no purpose.

5. Learned A.P.P. has strongly opposed the application. She argued that the alleged injury is immaterial to constitute the offence under Section 307 of the Indian Penal Code. The policeman has been assaulted while discharging duties. The accused started fleeing away when the policeman found him opening the lock of shutter. When the police chased, he was assaulted on his head. She submits that there are antecedents to his discredit in the same police station. She also argued that the applicant was coming to Pachora to commit the crime. Such accused is released on bail, there would be no deterrence. The police may lose the confidence, if such accused is released on bail.

6. Perused the papers.

7. The allegations levelled against the applicant appears natural. The incident happened when the injured was on night patrolling duty. Learned A.P.P. is correct that the injury is immaterial to constitute the offence under Section 307 of the

Indian Penal Code. The accused played a vital role. The weapon like tommy has been used to assault the injured. The act of the applicant itself shows that he was not obeying the police order. On the contrary, he assaulted the policeman and caused him injury on his forehead.

8. Considering the facts of the case in-toto, though the injury is not serious, the Court is of the view that to have a deterrence, it would be inappropriate to release the applicant on bail.

9. Hence, the application stands dismissed.

(S. G. MEHARE)
JUDGE

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