



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

910 BAIL APPLICATION NO. 466 OF 2024

MAHENDRA SAMADHAN SAPKALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rohit P. Patwardhan, h/f Mr. Satej S. Jadhav.
APP for Respondent/State : Mr. Satish A. Gaikwad.
...

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 09th May, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.361 of 2023, registered with Ramanand Police Station, District Jalgaon, for the offences punishable under Sections 307, 142, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.

3 It is averred in the report that the applicant and other accused assaulted the informant. One of the co-accused – Gavrav assaulted the informant by sickle. It is alleged that this applicant assaulted the informant by fist and kick blows.

4 The learned counsel for applicant submitted that the applicant is falsely implicated in the crime. The investigation is over. Charge-sheet is filed. Further custody of the applicant is not necessary. The applicant has roots in the society. No any criminal antecedents is attributed to this applicant. It is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the statements of witnesses. Considering the role of this applicant that he assaulted the informant by fist and kick blows and accused No.3 – Gavrav assaulted the informant by sickle, fact that the applicant has roots in the society and the trial will take long period, the application deserves to be allowed on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.361 of 2023, registered with Ramanand Police Station, District Jalgaon, for the offences punishable under Sections 307, 142, 143, 147, 148,

149, 504 and 506 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses, in any manner.
- b) The applicant shall not tamper with the prosecution evidence, in any manner.

III. If breach of any of the above conditions 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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