



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 BAIL APPLICATION NO. 469 OF 2024

Nayan Govind Shinde
VERSUS
The State of Maharashtra

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WITH
BAIL APPLICATION NO. 470 OF 2024

1) Vicky Kishor Shinde
2) Akash Sakharam Makone
3) Bharat Bhausahab Avhad
4) Atul Rohidas Avhad

VERSUS
The State of Maharashtra

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Advocate for Applicant : Mr. Abhaysinh K. Bhosle
APP for Respondent: Mr. Satish A. Gaikwad
Advocate to assist the A.P.P. : Mr. Anuj A. Fulpagar

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 25th APRIL, 2024.

PER COURT :-

1. These are the applications for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 79 of 2024 registered with Kopargaon police station, District Ahmednagar for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 427 of the I.P.C. and under Section 4/25 of Arms Act. Their applications with similar prayer bearing criminal bail application No. 75 of 2024 and 76 of 2024 came to be rejected by the learned Additional Sessions Judge, Kopargaon, vide order dated 02.03.2024.

2. It is averred in the report by the informant Ashish that he is Personal Assistant of sitting M.L.A. Ashutosh Kale, resident of Kopargaon, district Ahmednagar. On 22.2.2024, he went to his friend Bharat Deokar. When he was returning back, 6 to 7 persons were standing on his way. Their faces were tied by handkerchiefs. One out of them assaulted the informant by iron rod. He tried to save that attack by his right hand. He sustained injury to his hand. He fell down. When he woke up and tried to run towards Maruti temple, somebody assaulted on his head by rod. He again fell down. Thereafter, two persons beaten him by fist and kick blows. He thereafter, ran towards his motor cycle where it was lying. That time, bricks were pelted towards him. He again fell down. Thereafter he woke up, ran and entered in the house of one Pardeshi and made phone call to M.L.A. Ashutosh Kale. His friend circle gathered there. He was admitted in the hospital and the report was lodged.

3. Learned advocate for the applicants submitted that the applicants are falsely implicated in the crime. The names of the applicants are not specifically mentioned in the F.I.R. The practical investigation is over. The injuries sustained by the informant are simple in nature. The alleged sword is not seized. The applicants have roots in the society, they will not flee away from the trial, the trial will take a long period. It is lastly prayed to allow the applications.

4. Learned A.P.P. for the respondent-State and learned advocate to assist the A.P.P. have strongly opposed the applications and submitted that the applicants are involved in serious crime. The sword is used in the assault and the same still is to be recovered by the investigating officer. The investigation is in progress. It is lastly prayed to reject the applications.

5. Perused the papers of investigation, particularly the report and the statements of witnesses as well as injury certificate of the informant. The injury certificate shows that the injuries are simple in nature. The applicants have roots in the society, they will not flee away from the trial, the trial will take a long period. The further custody of the applicants is not necessary. Considering the fact that the applicants have roots in the society, they are certainly entitled for bail on the principle that the bail is rule and jail is exception. The applications therefore, deserve to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Applications are allowed.
- II. The applicants in both the applicants in connection with crime No. 79 of 2024 registered with Kopargaon police station, District Ahmednagar for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 427 of the I.P.C. and under Section 4/25 of Arms Act, be released on bail on

furnishing personal bond of Rs.15,000/- each with one surety each of the like amount on following conditions:-

- a) The applicants shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
- b) The applicants shall not enter in Kopergaon city for a period of one year from today, except on the dates fixed for hearing of the case.
- c) If any breach of the above conditions are noticed by the trial court or the prosecution, the trial court is at liberty to cancel the bail of the applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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