



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

9 BAIL APPLICATION NO. 497 OF 2024

PRAKASH VYANKATRAO KADAM

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Sudarshan J. Salunke.

APP for Respondents : Mr. Rajdeep D. Raut.

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

DATE : 15th April, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.169 of 2023, registered with Sirsala Police Station, District Beed, for the offences punishable under Sections 307 and 504 read with 34 of the Indian Penal Code.

3 It is averred in the report that informant's daughter was not properly treated by the applicant and his son. The applicant is the father-in-law of informant's daughter. The informant, therefore, went to the house of this applicant and questioned him as to why his daughter is not treated properly. The applicant took an axe in his hand and assaulted on his head. His wife was with him. He was rescued and

admitted in the hospital. This incident took place on 8th August, 2023, however, the report was lodged on 18th August, 2023.

4 The learned counsel for applicant submitted that the incident took place all of a sudden. However, the applicant has roots in the society. He will not flee away from the trial. He has no criminal antecedents. He is 65 years old. The trial will take long period. 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. There is *prima-facie* strong evidence against this applicant. If the applicant is released on bail, he will certainly pressurize the witnesses and tamper the evidence. It is lastly prayed to reject the application.

6 Perused the charge-sheet, particularly, the report and the injury certificate of the applicant. There are two injuries sustained to the applicant and axe is seized. The custody of the applicant is not necessary. Trial will take long period. Considering all these aspects, the applicant is entitled for bail on the principal that bail is rule and jail is exception. The application, therefore, deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.169 of 2023, registered with Sirsala Police Station, District Beed, for the offences punishable under Sections 307 and 504 read with 34 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.
 - c) The applicant shall not enter into village Babhalgaon, Taluka Majlegaon, District Beed, till the conclusion of trial.

7 If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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