



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

46 BAIL APPLICATION NO. 531 OF 2024

Badrinath Vishwambhar Kotkar.

... Applicant

Versus

The State of Maharashtra.

... Respondent

Advocate for Applicant : Mr. Aashish T. Jadhavar.

APP for Respondent/State : Mrs. Dipali S. Jape.

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

DATE : 01st 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.0018 of 2024 registered at Sengaon Police Station, District Hingoli, for the offences punishable under Sections 307 and 120-B read with 34 of the Indian Penal Code.

3 It is averred in the report by the informant of 55 years old that her husband was prosecuted for the offence punishable under Section 376 of the Indian Penal Code on the instigation of this applicant and other accused. Accordingly that prosecutrix deposed in

the Court that she lodged the report at the instigation of this applicant and other co-accused. They were demanding Rs.25,00,000/- to her husband and trying to assault him.

4 On 19.01.2024, at about 7 p.m. husband of informant went for bringing the milk and the informant went for fetching some tablets from medical shop. That time, she got phone call from her neighbourer that her husband is assaulted. She immediately rushed there. Her husband was lying in injured condition in front of house of one Chetan Deshmukh and Kale Saheb. She asked him, as to what happen, at that time he told that present applicant and other co-accused assaulted by knife and sickle on his abdomen, left hand, left thumb and right eye. Therefore, he was admitted in the hospital at Sengaon. Thereafter, he was referred to Hingoli. There he was treated. On the second day, the report was lodged against the applicant and other co-accused.

5 The learned advocate for the applicant submits that the applicant has been falsely implicated in the crime. The applicant has roots in the society and he will not flee away from the trial. The learned counsel for applicant submitted that co-accused Uddhav Kotkar is released on bail by this Court vide order dated 12th March, 2024 passed in Bail Application No.366 of 2024. The learned counsel for applicant further submitted that the applicant is suffering from Cervical, Lumber and Leg Pains and he requires regular medical care

and treatment. The applicant is being treated at Dunakhe Multi Speciality Hospital, Aurangabad. The copies of medical case papers are annexed with this application. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in serious crime of attempt to commit murder. If he is released on bail, he will certainly cause hindrance for the trial by pressurizing the prosecution witnesses. There is injury certificate of the husband of informant. There is *prima-facie* serious case against the applicant. It is lastly prayed to reject the application.

7 Perused the papers of investigation. There is no eye witness to the incident. The applicant will not flee away from the trial. Trial will take long period. Considering the order passed by this Court earlier in Bail Application No.366 of 2024, this applicant is certainly entitled for bail on the ground of parity. Considering all these aspects, particularly, the presence of this applicant can be secured for trial, the application 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.0018 of 2024 registered at Sengaon Police Station, District Hingoli, for the offences punishable under Sections 307 and 120-B read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- 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 Sengaon, District Hongoli, till the conclusion of trial.
- d) 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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