



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

999 BAIL APPLICATION NO. 629 OF 2024

Nikhil Vyankat Fartale

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. P.P. More

APP for Respondent/State : Mr.Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 26th APRIL, 2024.

PER COURT :-

1. The applicant is seeking bail in connection with crime No.123 of 2023 registered with Bhada Police Station, Tq. Ausa, Dist. Latur for the offences punishable under Sections 302, 143, 147, 148, 149 and 504 of Indian Penal Code.

2. The learned advocate for the applicant pointed out that the incident took place on 03.06.2023 and report is lodged after seven days on 10.06.2023. Injured cousin brother of informant died on 17.06.2023. He pointed out that there was no intention to kill deceased Baliram. The delay for lodging the report was not explained. The statements of the witnesses show that they were not present there. They came to know about the incident later on. Informant reached there after the incident of assault. The applicant's

role is not shown specifically as to what way he participated in the crime. He lastly submitted to allow the application.

3. The learned APP for the State strongly opposed the application and pointed out the P.M. report and statements of the witnesses. He submitted to reject the application.

4. Perused the charge-sheet. The report shows that informant reached on the spot of the incident when the alleged assault was over. There is seven days delay for lodging the report, it is not explained. P.M. report does not disclose any serious injuries sustained to deceased Baliram. The opinion of cause of death is that complications following multiples injuries. If the statements of witnesses and the P.M. report is considered, it is not a case falling under section 302 of the Indian Penal Code. So also the co-accused namely Hanmant Vaijnath Nandram has been released by this Court vide order dated 8th January, 2024 in Bail Application No.1865 of 2023. Considering all these aspects as well as the fact that the applicant has roots in the society and no criminal antecedents, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

I. Application is allowed.

II. The applicant in connection with crime No.123 of 2023

registered with Bhada Police Station, Tq. Ausa, Dist. Latur for the offences punishable under Sections 302, 143, 147, 148, 149 and 504 of Indian Penal Code be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not tamper with the prosecution evidence and pressurize the witnesses, in any manner.
- b) The applicant shall not enter into village Badha, Tq.Ausa, Dist. Latur till the decision of trial.
- c) All the observations are prima facie observations.

(SANJAY A. DESHMUKH, J.)

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