



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 644 OF 2024

Arvind Ramesh Akse
VERSUS
The State Of Maharashtra

...
Advocate for Applicant : Mr. Salve Vinod S.
APP for Respondents: Mr. R. D. Raut

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 30th APRIL, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No. 537 of 2023 registered with Mukundwadi police station, District Chhatrapati Sambhajinagar (Aurangabad), for the offences punishable under Sections 307, 397, 504, 506 of the I.P.C. His application with similar prayer bearing criminal bail application No. 618 of 2024 came to be rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 5.4.2024.

2. It is averred in the report by the informant that the applicant threatened him and demanded Rs.10,000/-. When the informant refused to pay the said amount, the applicant cut his throat by way of a blade. The informant sustained injury to his throat and he fell down. He was admitted in MGM hospital, Aurangabad. Thereafter, the report was lodged against the applicant.

3. Learned advocate for the applicant submitted that the applicant was addicted to liquor. He was admitted in *Vyasan Mukti Kendra* at Aurangabad. An amount of Rs.4000/- is recovered from the applicant. The father of the applicant is present in the court and he states that he is ready to deposit Rs.6000/- in the trial court prior to releasing the applicant on bail. The father of the applicant further states that he is ready to admit the applicant in *Vyasan Mukti Kendra* for taking necessary treatment for de-addiction. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and submitted that the applicant has committed serious crime of attempt to commit murder. The 17 years old boy was seriously assaulted. He further pointed out that earlier the applicant was arrested in the crime punishable under Section 12 of the Maharashtra Prevention of Gambling Act, 1887. The applicant has criminal antecedents. It is lastly prayed to reject the application.

5. Perused the charge sheet, particularly the report and the injury certificate which show that the informant sustained serious injuries to his neck. The applicant is behind bars since four months. The applicant's father is present in the Court, who submitted that he will give necessary treatment to his son, who is addicted to liquor in de-addiction center, situated at Kanchanwadi, Chhatrapati

Sambhajinagar (Aurangabad). He further submitted that he is ready to deposit an amount of Rs.6000/- in the trial court. Considering the peculiar set of facts of this case that the persons addicted to liquor are generally suffering from mental illness which is recognized by the World Health Organization (WHO). Such persons are to be medically treated like other patients continuously. There are many examples that they are recovered from such illnesses. However, in our society, if the persons are addicted to liquor, the peoples are saying that such persons are misusing and abusing their money for drinking liquor. But as per the research of the WHO, such persons can be medically treated for their de-addiction and it is the only effective measure. If the applicant is given an opportunity for treatment of de-addiction, which is not available through jail, he can recover from illness of addiction to liquor. The application therefore, 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. 537 of 2023 registered with Mukundwadi police station, District Chhatrapati Sambhajinagar (Aurangabad), for the offences punishable under Sections 307, 397, 504, 506 of the I.P.C. 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 shall not pressurize the witnesses, in any manner.
- b) Prior to release, the father of the applicant shall deposit an amount of Rs.6000/- before the trial court.
- c) The applicant shall not enter in entire Chhatrapati Sambhajinagar (Aurangabad) city till the conclusion of trial except for the dates fixed for hearing of the trial and for treatment of de-addiction which is to be taken at de-addiction center situated at Kanchanwadi, Chhatrapati Sambhajinagar.
- D) If any breach of the above conditions are brought to the notice of the trial court, the trial court is at liberty to cancel the bail of the applicant without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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