



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 659 OF 2024

PRABHAKAR EKNATH GARJE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. D. R. Kale holding for
Mr. Sachin S. Shinde
APP for Respondents/State : Mr. S. D. Ghayal

...
WITH CRIMINAL APPLICATION NO. 1934 OF 2024 IN BA/659/2024

DNYANESHWAR DINKAR GARJE
VERSUS
PRABHAKAR EKNATH GARJE AND ANOTHER

...
Advocate for Applicant : Mr. Manoj A. Done holding for
Mr. Shrinivas S. Wagh

...

CORAM : S. G. MEHARE, J.

DATE : 10-06-2024

PER COURT :-

1. Learned A.P.P. waives service of notice for respondents.
2. Heard the learned counsel for the applicant, learned A.P.P. for the respondents/State and the learned counsel for the injured.
3. The applicant seeks bail in C.R.No.1120 of 2023 registered with Newasa Police Station, Taluka Newasa, District Ahmednagar, for the offences punishable under Sections 307, 326, 341, 452, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.
4. Learned counsel for the applicant/accused submits that the injured has suffered simple injuries not harmful to the life. The applicant and the injured are neighbours. They have quarreled

over the land. The applicant has been arrested on 23.12.2023. The applicant and other accused have undergone the police custody. The alleged weapons have been recovered from him. The injured has been discharged from the hospital long back. There is nothing harmful to the life of the injured. The injuries suffered to the complainant/injured, at the most, may constitute an offence under Section 324 of the Indian Penal Code. The investigation has been completed. Nothing has been recovered and discovered from the accused. There are no antecedents to his discredit.

5. Learned A.P.P. for the State and the learned counsel for the complainant have strongly opposed the application. They submit that the applicant has dispute over the land with the injured. He assaulted him with axe on head. The injured suffered serious injury to his left hand.

6. Considering the nature of assault, nature of injury to the injured at the hands of applicant, the injured was a indoor patient for around a month. He has lost deformity to his fingers and lost its efficiency. Considering the nature of offence, the application deserves to be dismissed.

7. Perused the papers.

8. The injured has suffered the injury to left arm. The injury report is placed on record. The injured has caused assault to the

left arm measuring 4 c.m. X 0.5 c.m. The laceration on the chest and chin. The photographs reveal that injuries were caused to the left arm. The injuries are not serious in nature. It is a dispute arising out of the land. The weapons allegedly used in crime have been recovered from the applicant. The chargesheet has been filed. Nothing is to be recovered from the applicant. The applicant is behind bar for a long period. Trial may take its time. Considering the facts of the case and no antecedents to the discredit of the applicant, it would be inappropriate to keep him behind bar. However, to protect the apprehension of the prosecution, certain conditions may be imposed. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant Prabhakar Eknath Garje be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not enter the village for two months from the date of release.
 - (b) He shall not threat the prosecution witnesses.
 - (c) He shall attend the trial on each effective date.
- iii) Criminal Application No.1934 of 2024 stands disposed of.

(S. G. MEHARE)
JUDGE