



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO. 662 OF 2024

Anand Madan Lakwal
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Mr. Chaitanya V. Dharurkar
APP for Respondents: Mr. Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 7th MAY, 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. 68 of 2024 registered with Bidkin police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 307, 341, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the I.P.C. His application with similar prayer bearing criminal bail application No. 475 of 2024 came to be rejected by the learned Additional Sessions Judge (Court No.7), Aurangabad vide order dated 14.3.2024.

2. It is averred in the report that the applicant and other accused persons assaulted Nagina Tarachand Jonwal by cement dumbbells and fist and kick blows. He therefore, lodged the report against the applicant and other accused persons.

3. Learned advocate for the applicant submitted that the alleged role of the applicant is that he assaulted by fist and kick blows. He pushed the injured. He submitted that the applicant has roots in the society, he will not flee away from trial and the trial will take long period. He submitted that except the prime accused, who assaulted with the help of cement dumbbells, other accused are released on bail. It is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the injury certificate of Nagina, which shows that she sustained fracture injury grievous in nature. Considering the serious nature of the crime, he submitted that the investigation is not yet over and therefore, prayed to reject the application.

5. Perused the papers of investigation, particularly the report and the statements of witnesses. The injury certificate shows that there is fracture to the skull of Nagina. However, prime accused Dheeraj Narayan Lakwal who alleged to have assaulted by cement dumbbells is not released on bail. Considering the role of this applicant that he participated in the crime and assaulted the injured with fist and kick blows, the applicant deserves for bail as he has roots in the society, he will not flee away from the trial and the trial will take long period. The further custody of the applicant is not necessary. The application therefore, deserves to be allowed on

certain conditions on the principle that the bail is rule and jail is exception. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 68 of 2024 registered with Bidkin police station, District Chhatrapati Sambhajinagar for the offences punishable under Sections 307, 341, 324, 323, 504, 506, 427, 143, 147, 148, 149 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.

(SANJAY A. DESHMUKH, J.)

rlj/