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

925 BAIL APPLICATION NO. 668 OF 2024

AMOL S/O. RAJU PATEKAR

....Applicant

VERSUS

THE STATE OF MAHARASHTRA AND ANR

.....Respondent

Mr. V. R. Dhorde, Advocate for the applicant

Mrs. D. S. Jape, APP for the respondents/State

CORAM : SANJAY A. DESHMUKH, J.

DATE : 08th MAY, 2024

P. C.

1. This is an application for granting regular bail under Section 439 of the Code of Criminal Procedure Code. Accused is arrested in Crime No. 489/2023 registered at Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code.

2. It is averred in the report that the the applicant and other accused assaulted the informant and family members on

account of dispute of agriculture land bearing plot No. 229 of village Maka, Tq. Newasa, Dist. Ahmednagar. It is averred in the report that the applicant assaulted the informant by axe and sustained injury. Thereafter he assaulted the informant on the head. Brother of the informant came there. The applicant also assaulted to the brother of the informant. Thereafter, the report was lodged.

3. Learned advocate for applicant submits that all the accused are released on bail. The applicant has roots in the society. Charge-sheet is filed. The custody of the applicant is not necessary. The trial will take long period.

4. Learned APP has strongly opposed the application and submits that applicant is involved in serious crime. The applicant has criminal antecedents. Axe is seized at the instance of the applicant. The applicant may pressurize to the prosecution witnesses and tamper the prosecution evidence. Considering the serious nature of crime and the fact that there

are seven eye witnesses and other eye witnesses to the incident, the application deserves to be rejected.

5. Perused the charge-sheet particularly seizure panchanama of axe and other articles and injury certificates of informant and his brother. Injury certificates shows simple injuries sustained to the informant and his brother. Other co-accused are released on bail. Custody of the applicant is not necessary. The applicant has roots in the society. Trial will take long period. Considering these all the aspects, the application, therefore, deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- a] Bail application is allowed.
- b] Applicant in connection with Crime No. 489/2023 registered at Sonai Police Station, Dist. Ahmednagar for the offences punishable under Sections 307, 326, 324, 323, 504, 506, 143, 147, 148

and 149 of the Indian Penal Code be released on bail on furnishing personal bond of Rs.50,000/- [Rupees Fifty Thousand only] with one surety of the like amount on following conditions:-

- i) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
- ii) If any breach is committed by applicant, the prosecution/informant is at liberty to proceed further for cancellation of bail before trial court.
- iii) The learned trial court is at liberty to decide the application for cancellation of bail on merits without reference to this court.
- iv) Applicant shall not indulge in such type of criminal activities henceforth.
- v) If applicant is involved in such a

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nature of crime again, the prosecution
/informant is at liberty to pray for
cancellation of bail before the trial court.

[SANJAY A. DESHMUKH, J.]

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