



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 BAIL APPLICATION NO. 684 OF 2024

1. Nilesh @ Nina Bhagwan Patil
2. Prakash Rambhau @ Ramesh Patil

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Deshmukh Himmatsinh D.
APP for Respondent/State : Mrs.Dipali S. Jape

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th MAY, 2024.

PER COURT :-

1. Heard both the sides. When this Court expressed disinclination to allow the application of applicant no.2 – Prakash Rambhau @ Ramesh Patil, the learned advocate for the applicants on instructions, seeks leave to withdraw the application to his extent.

Leave granted.

2. In respect of applicant no.1, the applicant is seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, “Cr.P.C.”). The applicant has been arrested in connection with crime No.I-0055 of 2024 registered with Bodwad Police Station, Dist.Jalgaon, for the offences punishable under sections 326, 324, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code, under sections 4 and 5 of the Arms Act and section 37(1)(c) of the

Maharashtra Police Act.

3. It is averred in the report that other co-accused assaulted informant and one injured witness by knife and stone. Therefore, the report was lodged.

4. The learned advocate for the applicant submitted that the name of the applicant is not mentioned in the report. He is falsely implicated in the crime. Statements of the witnesses show that the applicant no.2 and other accused assaulted the informant and injured witnesses. The applicant has lodged report against the informant earlier bearing N.C. No.299 of 2023, and therefore, he is falsely implicated in the crime. His role is not specifically spelled out. It is lastly prayed to allow the application.

5. The learned APP for the respondent-State strongly opposed the application and pointed out the statements of the witnesses and injury certificate. Considering the serious nature of crime, it is lastly prayed to reject the application.

6. Perused the papers of investigation, particularly the statements of the witnesses and injury certificate. Nature of injuries as to whether those are simple or grievous is not noted in the injury certificate. Name of this applicant is not mentioned in the report. It is admitted fact that the applicant lodged report against the informant. Considering this aspect and the fact that practical investigation is over, custody of the applicant is not necessary. The applicant has

roots in the society and trial would take long period, the application deserves to be allowed on the principle that bail is rule and jail is exception, on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant - Nilesh @ Nina Bhagwan Patil in connection with crime No.I-0055 of 2024 registered with Bodwad Police Station, Dist. Jalgaon, for the offences punishable under sections 326, 324, 143, 147, 148, 149, 427, 504, 506 of the Indian Penal Code, under sections 4 and 5 of the Arms Act and section 37(1)(c) of the Maharashtra Police Act, 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 pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- III. If any breach of the above conditions is noticed by the trial Court, it is at liberty to cancel the bail granted to this applicant without further reference to this Court.
- IV. The application of applicant no.2 - Prakash Rambhau @ Ramesh Patil stands dismissed as withdrawn.

(SANJAY A. DESHMUKH, J.)