



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 BAIL APPLICATION NO.723 OF 2024
WITH
CRIMINAL APPLICATION NO.2716 OF 2024
IN BA/723/2024

AAKASH BHAGWAN DEVDE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Adv. Pathan Ziya Jakeriya.
APP for Respondent-State : Mr. S. D. Ghayal.
Advocate for Complainant to assist APP : Mr. A. S. Khedkar.
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CORAM : S. G. MEHARE, J.
DATE : 05.07.2024

PER COURT :-

1. Heard the learned counsel for the applicant, learned APP for the respondent-State and learned counsel for the injured/victim.
2. The applicant seeks bail in Crime No.189 of 2023, registered with Osmanpura Police Station, District Aurangabad, for the offences punishable under Sections 307, 120-B read with Section 34 of the IPC.
3. Learned counsel for the applicant submits that the applicant was not named in the FIR. However, in a

supplementary statement of the injured, he has been named. He alleged against the applicant that the applicant beat him with fists and blows. There are no allegations of using the weapon. The co-accused, who has been allegedly assaulted with the weapon has been granted bail. The injured has been discharged. However, to make the matter serious, he deliberately admitted to the private hospital and treated there for a long period. In fact, the injuries suffered to the injured were simple. Now, nothing is to be recovered from him. Hence, he may be granted bail.

4. Learned APP and learned counsel for the victim submit that the entire incident has been captured in CCTV. The applicant is seen assaulting the accused with the weapon. They were chasing him. All the accused were mercilessly beating the injured. A deadly weapon has been recovered from him. After the assault, there were serious complications in the health of the injured and he was on ventilation for about 60 days. He could hardly save his life. The overt act of the applicant are sufficient to believe that they were intending to kill the injured. The applicant was aggressive. There may be a harm to the life of the injured if the applicant has been granted bail.

5. In FIR, the applicant has not been named. The injured gave the statement after a long period. He has stated that all the accused started beating him with deadly weapons. The actual role attributed to the applicant has been captured in CCTV. It reveals from the CCTV footage that after falling down the injured, the accused were beating him mercilessly. The present applicant was beating the injured with deadly weapon. Though the medical certificate shows that the injuries were simple but the medical papers from the private hospital produced before the Court shows that there were serious complications in the health due to the injuries caused to him. The injured was indoor patient for a long period. The applicant was mercilessly beating the injured. Probably, they might have left him believing that the injured has been died.

6. Considering the facts in toto and particularly, the role attributed to the applicant, it seems a deliberate act with intent to kill the injured. The offence is serious. There may be an apprehension to the life of the injured, if the accused granted bail.

7. For the above reasons, the bail application stands dismissed.

8. Criminal application No.2716 of 2024 to assist learned APP is allowed.

(S. G. MEHARE, J.)

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vmk/-