



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 BAIL APPLICATION NO. 748 OF 2024

DIPAK SURESH BORHADE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Ms. Sayali S. Tekale Advocate for Applicant.
Mr. S.M. Ganachari, A.P.P. for Resp. No.1.
...

CORAM: S.G. MEHARE, J.

DATE : 20th JUNE, 2024

ORDER :

1. Learned counsel for the applicant submits that it is a State case, however, inadvertently complainant has been arrayed as party. Hence she prayed that leave may be granted to delete respondent No.2. Leave granted.
2. Heard learned counsel for the applicant and learned APP for the State.
3. The applicant seeks bail in Crime No.163 of 2023 registered with Kotwali Police Station, District-Ahmednagar for the offence punishable under Sections 307, 323, 341, 504, 506

read with Section 34 of the Indian Penal Code read with Section 4/25 of the Arms Act.

4. Learned counsel for the applicant submits that false allegations have been levelled against the applicant. Since earlier crimes are registered against him, applicant has been arraigned as accused only on suspicion. Considering the injury suffered by the complainant which is not on vital part of the body, the same is not sufficient to prove that there is an attempt to commit the murder. The co-accused have been granted bail and therefore, the applicant may be granted bail.

5. Learned APP has strongly opposed the application and submitted that the applicant is habitual offender and therefore the application may be dismissed.

6. Perusal of the order passed by the learned Sessions Court reveals that eight crimes have been registered against the applicant. Applicant attempted to rob the first informant. Considering the time of the incident, intention was clear to commit the robbery. Considering the role attributed to the applicant, he cannot seek the benefit of the fact that co-accused

has been granted bail. It also reveals that specific allegations have been levelled against the applicant that at 12.30 a.m. when complainant and his friend were returning from their job, he and his friends intercepted them and applicant demanded money and mobile from the complainant. Applicant was armed with chopper and his friends were armed with knife. Applicant tried to assault the injured with knife on the head. The time of the offence is material. The First Information Report shows that the applicant was the assailant. There are number of similar crimes registered against the applicant. In such circumstances, if the applicant is released on bail, the possibility of repeating the same crime can not be ruled out.

7. For the above reasons the Application stands dismissed.

8. The Secretary, High Court Legal Services Sub-Committee, Aurangabad do pay the legal fees to Advocate Ms. Sayali S. Tekale, as per the schedule.

[S.G. MEHARE, J.]