



867.2024BA

-1-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**BAIL APPLICATION NO. 867 OF 2024**

Prakash Chandrabhan @ Baban Fartade

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...  
Advocate for Applicant : Mr. G.K. Mane h/f Mr.Avinash Katkar  
APP for Respondent/State : Mr.D.J. Patil

...  
**CORAM : SANJAY A. DESHMUKH, J.**  
**DATED : 24<sup>th</sup> MAY, 2024.**

**PER COURT :-**

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.644 of 2023 registered with Georai Police Station, Dist. Beed, for the offences punishable under Sections 307, 326, 324, 504, 506 read with 34 of the Indian Penal Code.

2. It is averred in the report that on 03.12.2023, the applicant and co-accused assaulted and beaten him on account of repayment of hand loan amount for cutting sugarcane crop. The applicant has doused kerosene oil on the person of the informant and set ablaze him. He sustained the burn injuries upto 20%. That time applicant and co-accused also threatened to kill him. Therefore, the

report is lodged.

3. The learned advocate for the applicant submitted that the applicant has no criminal antecedents. He is having agricultural land. He is falsely implicated in the crime. There is nothing to be recovered from him. Injured informant is discharged from the hospital. Section 307 of the Indian Penal Code is not attracted. He lastly prayed for allowing the application.

4. The learned APP strongly opposed the application and pointed out the injury certificate having superficial burn injuries to anterior side of chest 4%, left side of neck 2% and 1.5 x 2 cm 3%. He submitted that the applicant is involved in serious crime. He will certainly pressurize the prosecution witnesses. The applicant is likely to commit such nature of offence. He, therefore, prayed to reject the application.

5. Perused the papers of investigation, particularly the report and statements of the witnesses as well as the certificate of injuries in medico-legal case showing 2 superficial burn injuries.

6. No doubt, prima facie, there is evidence of setting ablaze of the informant by dousing the kerosene oil on his person, however, considering the fact that the investigation is over, custodial interrogation of the applicant is not necessary. Trial would take long

period. The applicant will not flee away from the trial. Considering the fact that the practical investigation is over and custodial interrogation of the applicants is not necessary. The application deserves to be allowed on imposing stringent conditions. Hence, the following order.

### O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.644 of 2023 registered with Taluka Georai Police Station, Beed, for the offences punishable under Sections 307, 326, 324, 504, 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- 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.
  - b) The applicant shall not enter into village Sushi Wadgaon, Tq. Georai, Dist. Beed till the decision of the trial except with the prior permission of the trial Court.

**(SANJAY A. DESHMUKH, J.)**