



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

96 BAIL APPLICATION NO. 934 OF 2024

1. Abhijit @ Sonu Milan Joshi
2. Ajit @ Ajay Kalyan Babar

..APPLICANTS

-VERSUS-

. The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Narwade Narayan B.
APP for Respondent/State: Mr. S.P. Sonpawale

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. By this application, the applicants are seeking bail in connection with Crime No.0436 of 2024 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under sections 143, 147, 149, 307, 323 of the Indian Penal Code (For short, "IPC").
2. It is prosecution's case that on 3rd April, 2024, at 10.00 p.m, the informant and his brother were talking near their house. The informant had parked his Swift car on one side of road and another two wheeler was parked on other side of the road. There was space to pass other vehicle. It is alleged that at that time, applicant no.1 came there in Baleno car and asked the informant and his brother why they are standing there. On that informant replied that he has space to pass his car. On that count, applicant no.1 told the informant that he is

answering the questions rudely and he told the informant that he will show who is he. Thereafter, the applicant along with co-accused and applicant no.2 came at the incident spot. It is alleged that applicant no.2 slapped on informant's chick. Thereafter, co-accused Abhi Kardile and Sagar Ganar caught hold brother of informant and it is alleged that applicant no.1 hit on the head of informant's brother with axe. It is alleged that applicant no.2 assaulted with sharp weapon on the head of the informant. Thereafter, the informant tried to run away from the said spot. Due to attack, brother of the informant fell unconscious. Informant lodged the report with the police station against the applicants and co-accused.

3. It is contention of the learned counsel for the applicants that investigation is completed. The weapons used in the crime have been recovered. The applicants are students and they are taking education. They have no criminal antecedents, hence requested to allow the application.

4. It is contention of the learned APP that applicant no.1 assaulted the first informant's brother with axe on his head with an intention to kill him. Applicant no.2 assaulted the informant with sharp weapon with intention to kill him. They had intention to kill the informant and his brother. Injury sustained to informant is simple however, the injuries sustained to brother of informant are grievous in nature. The applicants and informant stay in one vicinity, if the bail is granted to the

applicants, they may influence the witnesses, hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and police papers produced on record. The allegations against applicant no.1 are that he assaulted brother of informant with axe on his head. The allegations against applicant no.2 are that he assaulted informant with sharp weapon. The applicants are behind bar more than one month. Weapons used in the crime have been recovered. Investigation is almost completed. The applicants are students. They had no criminal antecedents. Perused the injury certificates. Injury certificate shows that the informant has received simple injury. Brother of the informant has received grievous injuries. As observed earlier weapons used in crime have been recovered, the further detention of the applicants is not required and I pass the following order :-

ORDER

- (i) The application is allowed.
- (ii) The applicants in connection with Crime No.0436 of 2024 registered with Tofkhana Police Station, Ahmednagar, for the offences punishable under sections 143, 147, 149, 307, 323 of the Indian Penal Code be released on executing personal bond in the sum of Rs.15,000/- each with one surety of the like amount by each of them, on the following conditions :-

- (a) the applicant shall not tamper with the prosecution witnesses.
- (b) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

[SHIVKUMAR DIGE, J.]

sga