

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1178 OF 2024
WITH
CRIMINAL APPLICATION NO. 3665 OF 2024

Devidas Santosh Gore

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Tandale Kakasaheb J. (through V.C.)

APP for Respondent/State : Ms. P.V. Diggikar

Advocate for Complainant : Mr. Amol A. Pawar h/f Mr. H.D.
Deshmukh

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 23, 2024

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The applicant seeks bail in Crime No.204 of 2024 registered with Newasa Police Station, District Ahmednagar for the offences punishable under Sections 307, 341, 324, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.
3. The FIR reveals that the applicant and his family members assaulted the first informant and his father. The allegations against the present applicant were that he threw the axe towards the injured, but he avoided it. The first informant and the injured father suffered the injuries. However, there is no material on record to show

that any of the injured sustained injury due to the acts of the applicant.

4. Learned counsel for the complainant argued that he has tried to cause injury, but the first informant saved his life. He was holding the deadly weapon. The father was seriously assaulted. He was the member of the unlawful assembly. His intention could be gathered from his acts. Therefore, he may not be granted bail.

5. Similar were the arguments of the learned APP. She would submit that the conduct of the applicant is to be seen. To constitute an offence under Section 307 of the Indian Penal Code, the injury is not essential.

6. The learned APP may be right in saying that the injury is not essential, but specific role attributed to the applicant is considered, there is scope to believe the submissions of the learned counsel for the applicant that the applicant with all family members were entangled in the family. In cases where recovery of the weapon is at the hands of the applicant, it would be subject to the test of the veracity of the witnesses during trial. In the circumstances, the applicant deserve bail on certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

(ii) Applicant, Devidas Santosh Gore, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety of the like amount in the above crime, on the conditions that;

(a) The applicant should not tamper with the prosecution witnesses and should attend the trial on each and every date.

(b) The applicant should not enter Village Shirasgaon, Taluka Newasa, District Ahmednagar for two months from the date of his release.

(iii) Criminal Application No.3665 of 2024 stands disposed of.

(S.G. MEHARE, J.)