



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

946 BAIL APPLICATION NO.1243 OF 2024

ROHIT PRAKASH PATOLE

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for the applicant : Mr.C.C.Deshpande h/f.

Mr.V.V.Gujar

APP for Respondent-State : Mr.A.A.A.Khan

Advocate for the informant : Mr.N.S.Salunke

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 13.11.2024

P.C. :

1] Heard learned counsel for the applicant and the learned APP for the respondent-State.

2] The applicant is seeking bail as he is arrested on 16.01.2024 in connection with Crime No. 39/2024, registered with MIDC Police Station, District Ahmednagar, for the offences punishable under sections 302, 307, 323, 504 and 34 of the Indian Penal Code.

3] The learned counsel for the applicant submits that the prosecution case, so also, papers filed along with charge sheet would *prima facie* indicate that the applicant has not assaulted the deceased but has assaulted the

person accompanying the deceased. The evidence also points out that the applicant was carrying rod and injury caused by the rod on the accompanied person is simple in nature. He further submits that the main accused, who has stabbed using knife, is in custody. He also submits that there is delay in recording the statement of the injured witness. Considering the said fact, he submits that bail should be granted.

4] *Per contra*, the learned APP submits that the present case relates to the offence under Section 302, 307 r/w. 34 of the Indian Penal Code and the applicant as well as one more accused are involved in the incident. It is further submitted that the applicant has also used knife, which was in the hand of the main accused and has stabbed the injured witness and there is corresponding injury, which is serious in nature on the injured witness. It is further submitted that since accused are charged in the aforesaid provisions r/w. 34 of the Indian Penal Code, the present applicant along with other accused persons, liable for the death of the victim. The case is serious in nature and that no bail should be granted in this case.

5] Considering the submissions and having perused the record, it is apparent that the applicant has used knife on the injured witness and on the vital part of the body and that injury report substantiates statement of

the injured witness, so also, the applicant is charged under Section 302 r/w. 34 of the Indian Penal Code. As such, no case is made out to grant regular bail in favour of the applicant. The Application is dismissed.

**[ARUN R. PEDNEKER]**  
**JUDGE**

DDC