

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1257 OF 2024
WITH
CRIMINAL APPLICATION NO. 2963 OF 2024
IN BA/1257/2024

Manoj Bhanudas Bachkar

VERSUS

The State Of Maharashtra And Another

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Advocate for Applicant : Mr. Barhate Patil Avinash N.

APP for Respondent/State : Mr. S.B. Narwade

Advocate for Complainant : Mr. Sachin S. Kotkar

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 08, 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.1421 of 2023 registered with Rahuri Police Station, District Ahmednagar for the offence punishable under Sections 307, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code.
3. The applicant has a case that since his brother was lodging the complaint against the injured for stealing the sand, the complainant has implicated him falsely. The incident happened in the market. However, except the friends and relatives of the injured, there were no independent witnesses coming forward. Though the

weapons have been recovered at the instance of the applicant, those were the general instruments available at the house of the agriculturist. The allegations have been levelled that the assault was from the backside. He also pointed out that not a single crime has been registered against him. However, the learned Additional Sessions Judge has mistakenly observed that there are crimes registered against him. On the contrary, those crimes are registered against the injured and his brother. To rebut his contention, he has filed the copies of the FIR that supports his contention. He would submit that since the evidence is ambiguous, there was no enmity of the applicant with the injured. He is languishing in jail for sufficient time. Hence, he may be granted bail.

4. Learned APP and learned counsel for the complainant have strongly opposed the application. They submit that serious injuries were caused to the injured. There are eyewitnesses to the incident. Two persons were injured by deadly weapons. The learned APP has stated that the investigation officer did not mention his antecedents in the report.

5. Perusal of the record reveals that the incident happened in a market. However, there were no independent eyewitnesses. Most of the witnesses examined are either relatives or friends of the injured. The injured were silent about the presence of the so-called eyewitnesses in the market. Considering the nature and the place of

the incident, there appears substance in the submission of the learned counsel for the applicant. Nothing is to be recovered from him. There are no antecedents to his discredit. Hence, he deserve bail. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant, Manoj Bhanudas Bachkar, 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 shall not tamper with the prosecution witnesses.
 - (b) Criminal Application No.2963 of 2024 stands disposed of.

(S.G. MEHARE, J.)