



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1267 OF 2024

Suny @ Ritesh Khanderao Jadhav

VERSUS

The State of Maharashtra

Advocate for Applicant : Mr. Sagar P. Mahale h/f Mr. Shaikh
Mazhar A. Jahagirdar

APP for Respondents: Mr. R.K. Ingole

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CORAM : SHIVKUMAR DIGE, J.
DATED : 3rd SEPTEMBER, 2024.

PER COURT :-

1. The applicant is seeking regular bail in connection with crime No.330 of 2024 registered with Shrirampur Taluka Police Station, district Ahmednagar, for the offences punishable under Sections 307, 324, 323, 504, 506, 427 r.w. 34 of the Indian Penal Code.

2. It is the prosecution's case that the informant runs a hotel on Kamlapur - Shrirampur road. On 22.5.2024 when he was closing his hotel, he heard shouts of his brother. Hence, he went there. He saw one Raju @ Rajendra and co-accused Dattatraya Kangune were beating his brother with fist and kick blows and iron rod. When the informant asked them why they are beating his brother, at that time, co-accused Raju told him that he did not provide meal to them and

he said that hotel is closed at 10.00 p.m. The co-accused Raju told the informant that his brother has some complacency with his business. It is alleged that thereafter they called co-accused Sagar and the present applicant at the spot of incident and they all beaten up the brother of the informant with fist and kick blows. It is alleged that the applicant had put country made pistol on the head of informant's brother and threatened to kill him. It is alleged that thereafter by hearing the shouts, the other relatives of the informant came there and then the applicant and other co-accused ran away.

3. It is the contention of the learned counsel for the applicant that the applicant has been falsely implicated in this case. He was not present at the time of incident. The entire incident is captured in the CCTV footage, which shows that the applicant was not present at the time of incident. Learned counsel further submitted that though the police custody remand was granted to the applicant, no country made pistol is recovered at the instance of the applicant. The applicant is behind bar for more than two months. Investigation is almost completed. The police have recovered the weapons used in the crime at the instance of the co-accused. Learned counsel further submitted that out of seven offences, in four offences, the applicant has been acquitted from the charges levelled against him. Hence, requested to allow the application.

4. It is the contention of learned A.P.P. that the applicant alongwith co-accused assaulted the informant's brother for not providing meal as the hotel was closed down. The applicant has criminal antecedents as total seven offences are registered against the applicant. The applicant put country made pistol on the head of informant's brother and threatened to kill him. The injury certificate shows that brother of the informant had sustained injuries due to assault of the applicant and co-accused. The applicant was part of the group who assaulted the brother of the informant. If the applicant is released on bail, he may threaten the prosecution witnesses and informant. Hence requested to reject the application.

5. I have heard both the learned counsel. Perused the F.I.R. and the police papers produced on record. The allegations against the applicant are that he put country made pistol on the head of informant's brother, threatened to kill him and thereafter other co-accused assaulted him. The applicant is behind bar for more than two months. Though the applicant has criminal antecedents, but out of seven offences, in four offences, the applicant has been acquitted from the charges levelled against him. During the police custody, no any weapon is recovered at the instance of the applicant. He is Karta of the family. The investigation is almost completed. Considering the

allegations against the applicant, his further detention is not required and I pass the following order:-

ORDER

- (i) The application is allowed.

- (ii) In connection with crime No.330 of 2024 registered with Shrirampur Taluka Police Station, district Ahmednagar, for the offences punishable under Sections 307, 324, 323, 504, 506, 427 r.w. 34 of the Indian Penal Code, the applicant be released on executing personal bond in the sum of Rs.20,000/- with one surety of the like amount, on the following condition:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.

(SHIVKUMAR DIGE, J.)

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