



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 BAIL APPLICATION NO. 1286 OF 2024

Raju @ Rajendra Amrut Bodkhe

VERSUS

The State of Maharashtra

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Advocate for Applicant : Mr. Vijay S. Wakale

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 the applicant 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, the applicant told him that he did not provide meal to them and he said that hotel is closed at 10.00 p.m. The applicant told that his brother

has some complacency with his business. It is alleged that thereafter they called co-accused Sagar and Sunny 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 caught hold both the hands of the brother of the informant and co-accused Dattatraya pressed neck of the informant's brother and co-accused Sagar gave blow of sharp weapon on his chest. It is alleged that co-accused Sunny put a country made pistol on the head of brother of the informant and threatened that he will 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 the allegations against the applicant are that he caught hold the hands of the brother of the informant. 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. 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. Co-accused have criminal antecedents. They assaulted the brother of the informant with an intention 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 had caught hold both the hands of the informant's brother and thereafter other co-accused assaulted him. The applicant is behind bar for more than two months. He has no criminal antecedents. 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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