

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1289 OF 2024

Abhijit Damodhar Sathe

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Shaikh Kayyum Najir

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

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 20, 2024

PER COURT:-

1. Heard learned counsel for the applicant and learned APP for the State.
2. The applicant seeks bail in Crime No.884 of 2023 registered with MIDC Waluj Police Station, District Aurangabad for the offences punishable under Sections 307, 504 of the Indian Penal Code.
3. The applicant and the injured were working in a company. The applicant said to the husband of the injured why she was abusing him. It was tried to convince him that she was not abusing him. However, suddenly he picked up a mechanical tool and assaulted her on her head. She suffered the injury. Thereafter, the applicant has been arrested. He is languishing in jail for ten months. The charge sheet has also been filed.

4. Learned APP has opposed the application contending that there are eyewitnesses to the incident. The applicant had an intention to kill the injured. The charge sheet has been filed. If the applicant is granted bail, he may tamper with the prosecution witnesses and cause another crime.

5. Learned counsel for the applicant submits that there are no hopes of concluding the trial in near future. They are not the residents of same locality. Since the crime is registered against him, he has been suspended from his job. Since the injured was abusing the accused, he lost his control and the incident happened. The intention in committing the crime is missing.

6. Perused the FIR and the papers produced before the Court. It seems that the applicant was saying the husband of the injured why his wife was abusing him and out of that abusing, the incident happened. The material investigation has been completed. The weapon has also been seized from the spot of the incident. The applicant is languishing in jail for ten months without material progress in the trial. The incident happened on the work place. The injured and the applicant are not the residents of the same locality. In the circumstances, keeping the applicant behind bar would serve no purpose. Hence, the following order :

ORDER

- (i) Bail Application is allowed.

(3)

(ii) Applicant, Abhijit Damodhar Sathe, 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 condition that the applicant should not tamper with the prosecution witness.

(S.G. MEHARE, J.)