



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 1349 OF 2024

BALIRAM BABURAO NAVPUTE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondent : Mr. S. B. Pulkundwar
...

CORAM : S. G. MEHARE, J.

DATE : 21-08-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent.
2. The applicant seeks bail in C.R.No.353 of 2024 registered with Chikalthana Police Station, Aurangabad, for the offences punishable under Sections 352, 118(2), 118(1) and 115 of the Bharatiya Nyaya Sanhita.
3. It has been alleged against the applicants that the applicant assaulted the injured and caused him injuries. The weapon has been recovered from him. The injured has been discharged. The charges levelled against the applicant are triable by the Magistrate. The trial may take its time. He has antecedents, but not of body offences.
4. The learned A.P.P. has strongly opposed the application. The applicant is behind bar only for one month. He assaulted the injured with deadly weapon. The investigation is in progress.

Hence, he may not be granted bail.

5. The period of incarceration is no ground to refuse the bail. While granting bail, the Court has to examine and the prosecution has to satisfy the Court that his custodial interrogation is needed for investigation. In body offences, the apprehension or danger to the life of the injured is to be examined. The injured is out of danger.

6. The offence is triable by the Magistrate. The Magistrate has no power to convict the accused for more than three years though the offences provide more punishment. There is no force in the submission of the learned A.P.P. that the applicant is barely behind bar for one month and he is dis-entitled to bail. On the contrary, the material investigation against the applicant has been completed. Nothing is recovered from the applicant. Hence, he deserves bail. Hence, the order:-

ORDER

- i) The bail application is allowed.
- ii) Applicant – Baliram Baburao Navpute be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He should not tamper with the prosecution witnesses;
 - (b) He should attend the Police Station as and when called on written notice by the Investigating Officer till filing chargesheet.

(S. G. MEHARE, J.)