



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 BAIL APPLICATION NO. 1372 OF 2024

Pravin @ Munna Govardhan Pathak

....Applicant

VERSUS

The State Of Maharashtra

.....Respondent

.....
Mr. V.D. Salunke h/f Mr. Mayur Salunke, Advocate for Applicant
Mr. D.B. Bhange, APP for State

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 27th AUGUST, 2024

ORDER :

1. By this application filed under section 439 of Code of Criminal Procedure, applicant seeks bail in Crime No. 355/2023, registered with Shivajinagar Police Station, Dist. Beed, for offences punishable under sections 307, 504, 506 of Indian Penal Code.

2. Akash Giridhari Kute resident of Dhanora Road, Beed lodged FIR stating that his step mother Vatsala had lent Rs. 3,000/ to applicant prior three years and applicant did not return the said amount. On 23.06.2023, at about 04.00 pm, informant was sitting in Patil Tea House at Tuljai Square with his relative Bhausahab Baglane. At that time, applicant came in the hotel.

Bhagyawant Punde

Informant asked him to return the amount taken from his step mother. Applicant started abusing him and threatened to kill him. Thereafter, he went to his black coloured Scooty and brought one knife kept in the boot. Applicant with an intention to kill informant inflicted a blow of knife on informant which hit him on his right eye causing grievous injury. Applicant thereafter again raised his hand to inflict a blow of knife on informant's chest, but Bhausahbe Baglane pushed the informant aside. Thereafter, informant went to Regal Chinese Center and concealed himself inside it. Thereafter, informant was taken to Matoshree hospital by his relative and as he could not be treated there he was shifted to Ghati Hospital, Aurangabad. Thereafter, he was referred to Ganpati Hospital, Jalna. There he was operated on his right eye and was discharged on 28.06.2023.

3. Heard learned advocate for the applicant and learned APP for State. Perused the investigation papers.

4. Pursuant to the registration of crime, applicant came to be arrested on 01.07.2024. During the investigation, knife allegedly used in the commission of offence and Scooty were recovered.

5. Learned advocate for applicant submits that at the time of arguing anticipatory bail application before the Trial Court informant has filed affidavit stating that he had received injury because of tin during fall at the time of quarrel with the applicant. He further submits that Trial Court has rejected the bail application ignoring the settled legal position that considerations for anticipatory bail and regular bail are different.

6. Learned APP vehemently opposed the application stating that applicant has criminal antecedents as following offences are registered against him with Beed City Police Station:

- (i) C.R. No. 36/2024, under sections 160, 324 of IPC r/w Section 4/25 of Arms Act.
- ii) C.R. No. 73/2010, under sections 353, 332, 333, 504, 506 of IPC.
- iii) C.R. No. 43/2010, under section 110 and 117 of Bombay Police Act.
- iv) C.R. No. 3008/2013 under section 12(A) of Bombay Prevention of Gambling Act.
- v) C.R. No. 677/2016 registered with Shivajinagar Police Station, under section 12(A) of Bombay Prevention of Gambling Act.

Though, there are criminal antecedents, applicant is released on bail in all the crimes registered against him.

Learned advocate for applicant is right in submitting that considerations for anticipatory bail and regular bail are different and the Trial Court has ignored this aspect.

7. Charge sheet in the present crime is filed on 14.08.2024. Since investigation in the present crime is over and trial is not likely to commence and conclude in near future, applicant need not be detained indefinitely in custody. Applicant is permanent resident of village Warwati, Taluka & Dist. Beed and has deep roots in the society and he will not be abscond if released on bail. He will be available for trial. In the facts of the present case, further pre-trial detention of applicant is not necessary. Application therefore deserves to be allowed.

8. In the result, application is allowed.

9. Applicant- Pravin @ Munna Govardhan Pathak be released on bail in C.R. No. 355/2023, registered with Shivajinagar Police Station, Dist. Beed, for offences punishable under sections 307, 504, 506 of Indian Penal Code, on executing Personal Bond of Rs. 25,000/- with one surety in the like amount.

10. Applicant shall not enter the area where the informant resides.

11. Applicant shall not indulge in any criminal activity while on bail. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]