



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 679 OF 2024

DHANRAJ @ BALU BALAJI LATPATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr. S. B. Ghatol Patil, Advocate for the appellant
Mr. P. K. Lakhotiya, APP for the respondent/State
Mr. M. P. Kale, Advocate for respondent no.2.

CORAM : R. M. JOSHI, J.

DATE : 1st OCTOBER, 2024

PER COURT :-

1. This appeal is for regular bail in connection with Crime No. 250/2024, registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 307, 504, 506 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

2. As per the first information report an incident has occurred on 25/04/2024 between 9.30 pm to 10 pm wherein the appellant has caused deadly assault on the informant with an axe. In the such assault the informant was seriously injured and was required hospitalization. The appellant was arrested on 9th May, 2024 and since then he is in jail. Now the investigation is over and charge-sheet is filed.

3. Learned counsel for the appellant submits that the appellant

has no criminal history behind him. It is his submission that after filing of the charge-sheet there is no justification to keep the appellant behind bars by way of pre trial sentence. On instructions, he makes voluntary statement that if bail granted appellant would not enter the Ambajogai and Gangakhed Talukas till conclusion of the trial.

4. Learned APP and learned counsel for the informant opposed the appeal on the ground that here is the case wherein the appellant even after lapse of nine years has not forgotten that his sister was married to the informant and that it was a inter caste marriage. They, therefore, apprehend re-currence of such incident if the appellant is enlarged on bail. By drawing attention of the court to the injury certificate the statement of the witnesses it is argued that as many as five injuries caused by the axe on or around head of the informant. Thus, it is their contention that this is not fit case for grant of bail.

5. The offence charged against the present appellant is punishable under Section 307 of IPC. Investigation is complete. Charge-sheet is filed. Owing to the pendency before the trial Court there is no possibility of trial to be concluded in a near future. The question arises before this Court as to whether it is justified to keep the appellant behind the bar by way of pre trial sentence. Admittedly, there is no other criminal offence registered against the appellant. Imposition of

appropriate conditions would prevent recurrence of such incident in future. The voluntary statement made by the learned counsel for the appellant, on instructions, not to enter the jurisdiction of Taluka Ambajogai as well as Gangakhed is sufficient to take care of the same.

ORDER

- (i) The appellant in connection with Crime No. 250/2024, registered with Gangakhed Police Station, Dist. Parbhani for the offences punishable under Sections 307, 504, 506 of Indian Penal Code and Sections 3(1)(r), 3(1)(s), 3(2)(va) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, he shall be released on bail on furnishing PR Bond of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount.
- (ii) He shall not contact the witnesses directly or indirectly.
- (iii) He shall not interfere with the evidence in any manner whatsoever.
- (iv) He shall not enter the jurisdiction/area of Taluka Gangakhed as well as Ambajogai till the conclusion of the trial.
- (v) He however is permitted to remain present during the course of trial at Gangakhed with prior intimation to the concerned police station about his entry therein and is directed to inform about he leaving the taluka after hearing is over, on each date of hearing.
- (vi) Learned APP to communicate this order forthwith to concerned police station.

(R. M. JOSHI, J.)

ssp