



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

925 BAIL APPLICATION NO. 1476 OF 2024

ARJUN MACHHINDRA ATKARE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicant : Mr. Narwade Narayan B.
APP for Respondent/State : Mr.A.S. Shinde
Advocate for informant : Mr.S.R. Andhale

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WITH
CRIMINAL APPLICATION NO. 3930 OF 2024
IN BA/1476/2024

PRALHAD @ PRASAD DINKAR GARJE
VERSUS
ARJUN MACHHINDRA ATKARE AND ANOTHER

...

Advocate for Applicant : Mr. Andhale Sandip Ramnath
APP for Respondent/State : Mr.A.S. Shinde

...

CORAM : S. G. MEHARE, J.

DATE : 3rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicant, the learned APP for the respondent/State and the learned counsel for the victim.
2. The applicant seeks bail in Crime No.1120 of 2023 registered with Newasa Police Station, Dist. Ahmednagar, for the offences punishable under sections 307, 326, 201, 341, 452, 323, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
3. It has been alleged against the applicant that he assaulted the injured since he had purchased the property in which the applicant had interest. The specific role attributed against the applicant is that he

tried to assault the injured on his neck but he avoided it. Therefore, he sustained the injuries to his chin. The incident happened on 01.12.2023. Since then he was absconding.

4. Bail is claimed on the ground that the false grounds have been created against the applicant that he was threatening the witnesses. However, those were not the threats, but the applicant was requesting the injured, at least, not to involve his son-in-law, who was newly married to his daughter. The learned counsel for the applicant also argued that the injury sustained to the injured was simple. He was trying to get the anticipatory bail. Therefore, it can not be said that he was absconding. During the anticipatory bail application pending before the High Court, he was arrested on 21.06.2024. The learned counsel for the applicant further argued that the co-accused has been granted bail. He would submit that considering the role attributed to the applicant and the nature of injury, it would be appropriate to grant him bail.

5. Learned APP for the respondent/State and the learned counsel for the victim submit that the post incident conduct of the applicant shows that he was threatening the witnesses. After the incident, he was threatening the injured. Therefore, three non-cognizable offences were registered against the applicant on the report of the father of the informant, his cousin and himself. Those non-cognizable offences reports are placed on record. He would submit that the intention of the

applicant was clear to kill the injured, but he could save his life. He also argued that such nature of injury would not help the applicant to get the bail. Reason for the crime shows that the applicant wanted to curtail the desire of the other persons to purchase/sale the property to his choice. There is a great chance of absconding. Hence, bail may not be granted.

6. Perused the papers the specific allegations levelled against the applicant are that he was holding *Kutti* (sickle). He tried to assault injured with such a deadly weapon on the neck but he could save it and it caused injuries to his chin. Post incident conduct of the applicant shows that he was absconding and threatening the witnesses. His explanation is not to be appreciated at this juncture. Considering overall facts and particularly the conduct of the applicant, the Court is not inclined to grant him bail. Hence the order;

ORDER

- (i) The application stands dismissed.
- (ii) Criminal Application No.3930 of 2024 stands disposed of.

(S.G. MEHARE, J.)