



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

929 BAIL APPLICATION NO. 1749 OF 2023

Yogesh Bhausahab Dalvi
VERSUS
The State Of Maharashtra

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Advocate for Applicant : Mr. Jadhav Satej S
APP for Respondent: Mr. Satish A. Gaikwad
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CORAM : SANJAY A. DESHMUKH, J.
DATED : 10th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail under section 439 of Cr.P.C. in connection with crime No. 0528 of 2022 registered with M.I.D.C. Waluj police station, District Aurangabad for the offences punishable under Sections 302, 307, 294, 323, 504, 506 r.w. 34 of I.P.C. His application below Exh.03 in Sessions Case No. 70 of 2022 with similar prayer came to be rejected by the learned Additional Sessions Judge, Vaijapur, vide order dated 17.11.2022.

2. It is averred in the report that on 4.6.2022 at about 4.00 p.m. a quarrel took place on account of sharing of water of common water-tap. On the same day, at about 10.00 p.m., Bhausahab Dalvi, the applicant and co-accused Mahesh started abusing the informant. The applicant Yogesh assaulted the informant by knife on his chest and stomach. The father of the informant rushed there. He caught hold Bhausahab Dalvi. Thereafter, the applicant also assaulted on

the stomach of father of the informant by knife. Thereafter, the mother of the informant came there. The applicant assaulted on her stomach. The peoples in that lane gathered there. The younger brother of the informant viz. Nitin came to save the informant but Bhausahab Dalvi assaulted on his stomach and chest by knife. The informant thereafter, was admitted in the hospital. The report was lodged.

3. Learned counsel for the applicant submitted that other co-accused are released on bail. Investigation is over and the charge sheet is filed. The applicant has roots in the society and there is no criminal antecedents. The applicant will not flee away from the trial. The trial would take a long period. He lastly submitted to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application on the ground that the father of the informant, died after 6 days of the incident due to the assault made by the applicant. He pointed out the statements of witnesses. He further pointed out the post mortem report and the cause of death of the father of the informant that he died because of the injury caused by this applicant. He lastly prayed to reject the application considering the serious nature of the crime. There is recovery of blood stained knife at the instance of the applicant under section 27 of Indian Evidence Act.

5. Perused the charge sheet. The report shows that the applicant has assaulted three persons by knife. Out of those, one is died. There is no criminal antecedents to this applicant. The applicant has roots in the society. Other co-accused are released on bail. The trial would take long time. Considering the fact that the applicant has roots in the society, the applicant can be released on bail on certain conditions. The application therefore, deserves to be allowed. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0528 of 2022 registered with M.I.D.C. Waluj police station, District Aurangabad for the offences punishable under Sections 302, 307, 294, 323, 504, 506 r.w. 34 of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter within the vicinity of Ranjangaon (Shenpunji), Tq Gangapur, district Chhatrapati Sambhajinagar (Aurangabad) till conclusion of trial.

(SANJAY A. DESHMUKH, J.)