



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

39 BAIL APPLICATION NO. 2188 OF 2023

Akshay Shamrao Athwale

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Abhaysinh K. Bhosle

APP for Respondent/State : Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.

DATED : 8th JANUARY, 2024.

PER COURT :-

1. The applicant is seeking bail in connection with crime No.I-630 of 2023 registered with Kaij Police Station for the offences punishable under Sections 307, 353, 186 read with 34 of the Indian Penal Code and under section 3/25 of Arms Act.

2. The learned advocate for the applicant pointed out that it is alleged in the report that driver of the vehicle/Car bearing No.MH 16 BH 3736 was proceeding from Georai to Beed on 20.10.2023 at about 16.30 hours. The informant felt doubt, therefore, they tried to catch that car. Car proceeded towards Kaij. The Police in front of Sahydri Academy caught hold the Car, but driver of Car did not respond and he ran away with the Car, and that time, he tried to kill

the informant and police Naik Mande and Shelke. Thus, he attempted to commit the murder.

3. The learned advocate for the applicant submitted that the applicant is falsely implicated in the crime. So many criminal cases are registered against him. His aunt also filed Criminal Writ Petition No.1188 of 2016 and got directions from this Court for changing the Investigating Officer etc. and therefore, there is grudge in the mind of police and hence, they have falsely implicated the present applicant in the crime. Lastly he prayed for granting bail.

4. The learned APP for the State strongly objected the application and pointed out that incident took place at about 16.30 hours and vehicle was immediately recovered on the same day at 16.35 hours. The applicant and the driver of the said vehicle tried to commit the murder of police officials, therefore section 307 of the Indian Penal Code is rightly invoked against the applicant. It is lastly prayed to reject the application as the investigation is in progress.

5. The report shows that driver of the alleged vehicle was driving that Car. The applicant was travelling by that car. Therefore, it cannot be inferred that the applicant tried to drive the vehicle on the person of the police officials in order to commit the murder. If earlier history with the police is considered along with the report in question, then there is prima facie reason that the applicant might have been falsely implicated in this crime. The custodial interrogation of the

applicant is not necessary. The applicant has roots in the society. He will not flee away from the trial. Considering all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.I-630 of 2023 registered with Kaij Police Station for the offences punishable under Sections 307, 353, 186 read with 34 of the Indian Penal Code and under section 3/25 of Arms Act 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 and pressurize the witnesses, in any manner.
 - b) The observations made hereinabove are prima facie in nature for the purpose of bail only.

(SANJAY A. DESHMUKH, J.)