



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

919 BAIL APPLICATION NO. 2193 OF 2023

SURAJ BHAGWAN KHANDAGALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Satej S. Jadhav.
APP for Respondent/State : Mrs. Pratibha J. Borade.
...

CORAM : **SANJAY A. DESHMUKH, J.**
DATE : 04th January, 2024.

P.C.:

1 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.267 of 2023, registered with Pundliknagar Police Station, District Aurangabad, for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 146, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, 1951.

2 It is averred in the report that the applicant assaulted the informant by knife alongwith other co-accused. Therefore, Section 307 of IPC was invoked against the applicant and others.

3 The learned counsel for applicant pointed out the injury certificate of the informant. There are two injuries i.e. CLW over left thigh and 4 CLW over back by sharp object and injuries are non-

grievous. He submitted that the informant has not sustained grievous injuries or injury on the vital part. He further submitted that the incident took place all of a sudden and there was no intention to commit murder of the informant as contemplated under Section 307 of IPC. He lastly prayed to release the applicant on bail.

4 The learned APP for the State strongly opposed the application and pointed out the statements of the eye-witnesses. She further pointed out that the applicant assaulted the informant with the knife, which was seized under Section 27 of the Indian Evidence Act. She submitted that there is strong *prima-facie* evidence against the applicant. It is lastly prayed to reject the application.

5 Perused the chart-sheet, particularly the injury certificate of the informant. The injury certificate shows that the informant sustained four injuries on his back and one injury over left thigh. Those are non-grievous injuries as opined by the medical officer in injury certificate. The learned counsel for applicant fairly pointed out that the informant sustained injuries to his right cheek, right eye and head and it is grievous injuries. However, according to the prosecution case and witnesses, those injuries are caused by co-accused Nitin Jadhav. Considering all these aspects, *prima-facie* the case under Section 307 of IPC is not establishing. The applicant has no criminal

antecedents. He will not flee away from trial. The trial will take longer period. Considering all these aspects, the application deserves to be allowed. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.267 of 2023, registered with Pundliknagar Police Station, District Aurangabad, for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 146, 147, 148 and 149 of the Indian Penal Code, 1860 and Section 135 of the Maharashtra Police Act, 1951, be released on bail on furnishing personal bond of Rs.25,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the witnesses.
 - b) The applicant shall not tamper with the prosecution evidence in any manner.
 - c) The applicant shall not enter into Garkheda Parisal till the decision of the trial.
- III. The application is disposed of.

[SANJAY A. DESHMUKH, J.]