



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

915 BAIL APPLICATION NO. 2199 OF 2023

Balvindersingh Veersingh Rathod

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. Ambilwade Saisagar A.

APP for Respondent/State : Mr. Satish A. Gaikwad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 30th JANUARY, 2024.
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PER COURT :-

1. The applicant is seeking bail in connection with crime No.751/2023 registered with Police Station, Nanded Rural, Tq. & District Nanded for the offences punishable under sections 307, 324 read with 34 of the Indian Penal Code and under sections 3/25 and 4/27 of the Arms Act.
2. Informant averred in the report that this applicant and other accused quarreled with him on account of right of way. They obstructed him. One of the co-accused Harpalsingh assaulted him by the sword on his head. The applicant assaulted informant by the pistol on his left axilla in order to commit his murder. Therefore, he lodged the report on the 2nd day of incident.

3. The learned advocate for the applicant submitted that the applicant has roots in the society. No such pistol has been seized. The applicant will not flee away from the trial. It is lastly submitted to allow the application.

4. The learned APP for the respondent-State has strongly opposed the application and pointed out the injury certificate of informant showing that there was injury by firearm caused to the left axilla. The learned APP submitted that the applicant is involved in the serious crime to which there are eye witnesses. He prayed for rejection of the application.

5. Perused the FIR and papers of investigation. No doubt, the medico legal certificate shows that the applicant has sustained the firearm injury to his left axilla, it is simple injury caused by firearm.

6. Co-accused Harpalsingh, who assaulted informant by sword, is already released on bail by the trial Court. The applicant has roots in the society. He will not flee away from the trial. He has no criminal antecedents. Trial would take long period. 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.751/2023 registered with Police Station, Nanded Rural, Tq. & District Nanded for the offences punishable under sections 307, 324 read with 34 of the Indian Penal Code and under sections 3/25 and 4/27 of the Arms Act, be released on bail on furnishing personal bond of Rs.25,000/- with one surety of the like amount on following conditions:-

- a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
- b) The applicant shall not enter into Basweshwar Nagar, Old Kautha, Nanded of Rural Police Station, Nanded till the conclusion of trial.

III. It is clarified that if the applicant commits breach of any of the above conditions, the concerned police station or investigating officer is at liberty to move to the trial court for cancellation of bail. If such application is filed, the trial Court shall decide the same on its own merits.

(SANJAY A. DESHMUKH, J.)