



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

918 BAIL APPLICATION NO. 2225 OF 2023

Gopal Govind Sathe

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicant : Mr. More P. P.

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

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 3rd JANUARY, 2024.

PER COURT :-

1. This is an application for grant of bail in connection with crime No.14 of 2019 registered with MIDC Police Station, Latur, for the offences punishable under sections 302, 324, 143, 144, 147, 148, 149 of the Indian Penal Code.

2. The learned advocate for the applicant submitted that the applicant is old aged of 65 years. Since 2019, he is behind bars. Other two accused are released on bail. He pointed out the order passed by this Court (page 50). He drawn my attention to the charge-sheet and submitted that FIR has been lodged by father of deceased. There was dispute on account of partition of agricultural land. It is alleged that the applicant assaulted witness Yuvraj Ingle by an axe. The learned advocate for the applicant pointed out his statement and

also his injury certificate (page 181) in which two simple injuries over left elbow and over right shoulder are found. Remark of the doctor shows that the patient is a case of physical assault. Not willing for treatment of OPD basis. The learned advocate for the applicant further pointed out the order passed by this Court (page 53) in which it is observed that the applicants are similarly situated co-accused to whom bail has been granted.

3. The learned advocate for the applicant lastly submitted that the evidence of only three witnesses have been recorded though the case is of under trial prison. He submitted that trial would take long period and considering the role of the applicant and nature of the injuries, he submitted to release the applicant on bail.

4. The learned APP for the State pointed out the statements of the witnesses particularly injured Yuvraj Ingle in which he has stated that the applicant assaulted him by an axe. She lastly submitted to reject the application considering the serious nature of the crime.

5. On perusal of the report, statement of the injured Yuvraj and his injury certificate, it appears that this applicant has assaulted Yuvraj by an axe, however, he sustained simple injury. The applicant is behind bars for more than three years. The trial will take long period. The applicant has root in the society and he will not flee away from the trial. On certain conditions, he can be released on bail. The

application, therefore, deserves to be partly 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.14 of 2019 registered with MIDC Police Station, Latur, for the offences punishable under sections 302, 324, 143, 144, 147, 148, 149 of the Indian Penal Code, 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 pressurize the witnesses and tamper with the prosecution evidence in any manner.
 - b) The applicant shall not enter into Taluka Latur till the decision of trial except when his appearance is necessary for decision of the trial.
- III. Application is disposed of.

(SANJAY A. DESHMUKH, J.)

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