



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

933 BAIL APPLICATION NO. 2316 OF 2023

BIBISHAN PRABHAKAR KARALE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Sudarshan J. Salunke.
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.251 of 2023 registered with Ambhora Police Station, District Beed, for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 1860.

2 The informant averred in the report that his wife Kalpana was assaulted by the applicant and other accused with knife (Gupti). She sustained injuries to her forehead near to her eye.

3 The learned counsel for applicant pointed out that on the same day the incident of outraging of the modesty of the wife of applicant took place and thereafter, the incident of assault took place. The learned counsel for the applicant submitted that Kalpana

sustained simple injuries of CLW on her left forehead and therefore, essential ingredients of Section 307 of IPC are not establishing. He, therefore, prayed for granting the bail.

4 The learned APP for the State strongly opposed the application and pointed out that there are criminal antecedents of this applicant and he was involved in Crime No.426 of 2023 registered with Ashti Police Station, District Beed. It is lastly prayed to reject the application.

5 Perused the papers of investigation, particularly, the injury certificate of injured Kalpana. The injury certificate shows that the injuries are simple, on the upper side of left eye of forehead. Considering the fact that essential ingredients of Section 307 of IPC are *prima-facie* not establishing from the alleged overact of the applicant and the fact that practical investigation is over, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.251 of 2023 registered with Ambhora Police Station, District Beed, for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code, 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 the village Borodi, Taluka Ashti, District Beed till filing of the charge-sheet.

III. The application is disposed of.

[SANJAY A. DESHMUKH, J.]

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