

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2829 OF 2024

Balaji Sabebrao Pawar ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. B.K. Barve a/w Mr. Sandeep Barve, Mr. Santosh Wagh i/by B.K. Barve & Co., Advocate for the Applicant.

Mrs. Supriya Kak, APP for the Respondent – State.

PSI, S.E. Netaware, Dindori Police Station, Nashik, present.

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CORAM : ANIL S. KILOR, J.

DATE : 15th JULY, 2024.

P.C.:

1. Heard.

2. By this application under Section 439 of the Code of Criminal Procedure, the applicant is seeking bail in Crime No. 599 of 2023, registered with Dindori Police Station, District: Nashik (Rural) for the offences punishable under Sections 307, 341 r/w 34 of Indian Penal Code (for short 'IPC') and Sections 4, 25 of Arms Act, 1959.

3. Having considered and gone through the charge-sheet more particularly the injuries certificate, it is evident that the grievous injury which was found on the person of the informant, was on left shoulder. Whereas, if the said injury is considered with

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the allegations made against the Applicant namely, the Applicant assaulted the informant by iron rod on his face and other parts of the body, it is *prima facie* clear that there are no corresponding injuries found on the person of the informant.

4. As far the grievous injury is concerned mentioned in the injury certificate, it was caused because of the blow inflicted by co-accused Santosh @ Nandu Shankar Salve, by sickle.

5. In the circumstances, considering the fact that the charge-sheet has been filed and further the period of incarceration of the Applicant i.e. about seven months, I am of the opinion that further custody of the Applicant is not necessary. Furthermore, it is to be noted that there are no antecedents against the Applicant.

6. In the circumstances, as there is no possibility that the Applicant will not be available for trial or he will be absconding, if he release on bail, I pass the following order;

ORDER

- i. Criminal Bail Application No.2829 of 2024 is allowed;
- ii. It is directed that the Applicant shall be released on bail in Crime No.599 of 2023, registered with Dindori Police Station, District: Nashik (Rural) for the offences punishable under Sections 307, 341 r/w 34 of IPC and Sections 4, 25 of Arms Act, 1959, on furnishing P.R. Bond of Rupees Twenty

Five Thousand with one solvent surety in the like amount;

iii. The Applicant shall attend the Police Station on 1st day of each month between 10:00 am to 12:00 noon till conclusion of trial;

iv. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;

v. Liberty is granted to the State for cancellation of bail if the Applicant commits similar offence;

vi. The Applicant shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed off, accordingly.

(ANIL S. KILOR, J.)