



**IN THE JUDICATURE OF HIGH COURT AT BOMBAY
BENCH AT AURANGABAD**

31 BAIL APPLICATION NO. 52 OF 2025

Akshay Gurudatta Indoriya

VERSUS

The State Of Maharashtra

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Advocate for Applicant : Mr. Ostwal Abhaykumar Dilip and Bagdiya Arpit
Kamalkishor

APP for Respondents-State: Mr. R. S. Wani

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CORAM : ARUN R. PEDNEKER, J.

Dated : February 03, 2025.

PER COURT :-

1. Heard learned counsel for the applicant and the learned APP for the respondent-State.
2. The applicant is seeking bail as he was arrested in connection with FIR No.658/2023, dated 02/08/2023, registered with Hingoli (Town) Police Station, District Hingoli, for the offences punishable under sections 307, 120 (B) read with 34 of the Indian Penal Code and under Section 3, 27 of the Arms Act, 1959.
3. The learned counsel for the applicant submits that this Court granted bail to the co-accused by order dated 06/12/2024 in Bail Application No. 1963/2024. He further submits that the genesis of the offence lies in a prior assault by the victim on the applicant. The learned counsel states that the applicant was assaulted by the victim, and an FIR has been registered against the victim, who is currently in custody for another crime.

4. The learned counsel further submits that several other co-accused persons, who were also seen in the CCTV footage along with the applicant, have been granted bail. He highlights that one of the main accused in the matter Ajinkya has been released on bail by the Hon'ble Supreme Court through an order dated 31/07/2024 in Special Leave to Appeal No. 5231/2024. The Hon'ble Supreme Court, in paragraphs 3 and 4 of its order, observed as follows:-

"3. The counter affidavit filed by respondent No.1 specifically stated that the petitioner is not found in the CCTV footage, however his voice could be identified in the audio recordings of the audio set found at the spot."

"4. The petitioner has been arrested in connection with the offence under Section 307 IPC on 02/08/2023. The petitioner would complete one year of incarceration and the charge-sheet has also been filed."

5. The learned counsel for the applicant submits that one of main accused has been granted bail due to the prolonged pendency of the trial. He contends that, on the same principle, the applicant also deserves to be released on bail.

6. *Per contra*, the learned APP refers to the CCTV footage, in which the applicant is allegedly seen firing at the victim. He has taken me through the injury certificate of the victim, which indicates that the victim suffered only simple injuries.

7. Considering the rival submissions, it is evident that there was a prior incident involving an assault by the victim on the applicant. Other accused persons present at the spot have already been granted bail. The applicant has been in jail for one year and six months. The injury certificate of the victim confirms that he sustained only simple injuries, and there are no antecedents against the applicant.

8. Taking into account the order passed by the Hon'ble Supreme Court granting bail to the co-accused who was in jail for one year, and considering that the trial is likely to take a long time to conclude, the applicant is also granted bail.

9. In view of the above, the application is allowed in the following terms : -

a] The applicant shall be released on bail in connection with FIR No.658/2023, dated 02/08/2023, registered with Hingoli (Town) Police Station, District Hingoli, for the offences punishable under sections 307, 120 (B) read with 34 of the Indian Penal Code and under Section 3, 27 of the Arms Act, 1959, on furnishing PR bond of Rs.20,000/- with one or two sureties in the like amount to the satisfaction of the trial Court.

b] The applicant, upon being released on bail, shall not

contact the informant, in any manner whatsoever, during the pendency of the trial.

c] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court.

d] The applicant shall not tamper with the evidence of the prosecution and he shall not influence the informant, witnesses and other persons concerned with the case.

e] The applicant, upon being released on bail, shall place on record of the trial Court the details of his Contact Number and residential address with updates in case of any change.

10. Needless to say, in case of violation of any of the aforesaid conditions, the bail granted to the applicant shall be liable to be cancelled. It is also clarified that the observations made in this order are limited to the disposal of the present bail application. The concerned Court shall proceed further in the matter without being influenced by the observations made hereinabove.

11. The application stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.