



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.96 OF 2025

Ganesh Sitaram Dhage

.. Applicant

Versus

The State of Maharashtra & Anr.

.. Respondents

Mr. Abhaysinh K. Bhosle, Advocate for the Applicant.

Mr. R. S. Wani, APP for Respondent-State.

CORAM : ARUN R. PEDNEKER, J.

DATE : 03.02.2025

PC.:-

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.0430/2024 dated 05.09.2024, registered with Chikalthana Police Station, District Ch. Sambhajinagar, for the offences punishable under sections 109, 118(1), 115, 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) and 333.

3] While considering the bail application of the co-accused, this Court by order dated 6.12.2024 has taken facts in para No.3, 4 and 5, which are as under :-

3. It is the case of the prosecution that on 03/09/2024, at about 8:30 p.m., the complainant was standing in front of his house with his seven-month-old child when Ganesh Dhage and Dadarao Ambhore began quarreling with each other. The complainant intervened to stop the quarrel and succeeded in doing so. However, Ganesh Dhage threatened him for interfering and then left the scene.

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4. *Later, at about 9:00 p.m., while the complainant was inside his house, Ganesh Dhage allegedly returned with a sword, entered the complainant's house, and verbally abused him. Dhage questioned the complainant about why he intervened in the quarrel and assaulted him with the sword on his head. The complainant ran outside to escape the attack, but at that time, the other co-accused, including the present applicant, assaulted him with sticks and wooden logs.*

5. *According to the medical report, the complainant suffered an injury over the occipital region, corresponding to the sword attack inflicted by Ganesh Dhage. There are two injuries on the victim on the head from the sword attack. Prima facie no injury is caused by the applicant. Injuries are simple in nature.*

4] Today, the learned counsel APP pointed out the observations made in para 4 of the order dated 6.12.2024 and submits that the present applicant has entered in the complainant's house and verbally abused him and asked the complainant why the complainant has intervened in the quarrel and assaulted the complainant with sword. The copy of medical certificate produces along with charge-sheet shows that the informant suffered two injuries one on occipital region and another on forearms which were caused by hard and blunt object and the injuries are described as simple one. The learned counsel for the applicant submits that the applicant is arrested on 8.10.2024 and since then for the period of more than three months he is behind bars.

5] The learned APP further submits that there are five antecedents against the applicant and in other crime matters are pending against him. The learned APP submits that the applicant used a dangerous weapon and committed the offence. The learned counsel for the applicant states that the applicant was granted bail in those matters and there is no primary role as regards the applicant is concerned in those matters.

6] The learned counsel for the applicant relies upon the para 6, 7 and 8 of the judgment of the Hon'ble Supreme Court in the case of *Maulana Mohd. Amir Rashadi Vs. State of U.P. & Anr.*¹, and submits that merely because there are antecedents against the accused, the accused cannot be kept in prison, unless case is made out against the accused.

7] In view of the fact that the injuries caused are simple in nature and the applicant had quarreled with some other person, in which, the informant had intervened and thereby was assaulted and sustained injuries, I hold that the applicant needs to be granted bail. The applicant is in jail since last four months.

8] In view of the above, regular bail needs to be granted to the applicant on the following terms.

a] The applicant shall be released on bail in connection with FIR No.0430/2024 dated 05.09.2024, registered with Chikalthana Police Station, District Ch. Sambhajinagar, 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 shall stay out of Aurangabad. If the applicant is involved in any of the similar offences, the bail granted in the present matter, is liable to be cancelled. The applicant is entitled to visit Aurangabad when the matter is for trial, one day prior and one day after the trial.

c] The applicant shall also remain present in police station

1 2012(1) SCC (Cri.) 681

once in every months, (between dates 1 to 6 of each month).

- d] The applicant, upon being released on bail, shall not contact the informant, in any manner whatsoever, during the pendency of the trial.
 - e] The applicant shall co-operate with the trial Court and he shall attend each and every date, unless exempted by the trial Court, for reasons to be recorded in writing.
 - f] 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.
 - g] 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.
- 9] 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.
- 10] The application stands disposed of.

(ARUN R. PEDNEKER)
JUDGE