



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 408 OF 2025

Bharat @ Bhawani s/o Bhimaji Pawar
Age 32 years, Occupation Agri. Work,
R/o. Sakat, Taluka and District Ahmednagar.

... Applicant
[Ori. Accused No.1]

Versus

The State of Maharashtra
Through its Investigation Officer
Ahmednagar Taluka Police Station,
Ahmednagar, District Ahmednagar.

... Respondent

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Mr. N. B. Narwade, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondent-State.

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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 26.03.2025

Pronounced on : 02.04.2025

ORDER :

1. Applicant seeks grant of regular bail on account of his arrest in crime no. 0597 of 2023 registered at Ahilyanagar (Ahmednagar) Taluka Police Station, District Ahilyanagar (Ahmednagar) for offences punishable under Sections 307, 327, 326, 325, 341, 336, 324, 323, 504, 427 r/w 34 of IPC.

2. Learned counsel pointed out that applicant is arrested in above crime on 14.10.2023. There are allegations of assault by iron rod. That, simple injuries are suffered by the injured. That, investigation is over. Whatever was to be recovered is already recovered. Charge sheet is filed on 16.12.2023. Applicant is behind bars since almost one and half years and therefore, according to learned counsel, applicant's said detention amounts to pre trial long incarceration. Learned counsel submits that applicant is ready to abide all and any conditions imposed by this Court.

3. Learned APP opposed on the ground that applicant is named. His role is crystallized. Present occurrence is second offence. Cash has been stolen. That, in one crime for offence of murder, applicant was arrested and while on bail, he has committed present offence and therefore, according to learned APP, there is every possibility of invoking provisions of The Maharashtra Control of Organised Crime Act, 1999.

4. Heard. Perused the FIR dated 03.08.2023 at the instance of one Sushant Janjire, who reported that he is involved in trading of agro products. On 02.08.2023, he and his associate Santosh Khillare were traveling in a pick up vehicle. When they were on the road at Sayyed

Meer Leni beneath railway bridge, present applicant Bhawani Pawar, Sagar Walke and Shubham Mokale intercepted them and initially asked to hand over chips from the vehicle. When it was refused, it is alleged that present applicant tried to snatch cash bag from informant and when he and his associate tried to flee, it is alleged that, they were given chase and even stones were pelted. Informant claims to have informed about the incident to his cousin brother Mukund. However, while traveling ahead, they were again intercepted by one Babu @ Shubham Chaudhari, who abused them and asked them to get down and there, again it is alleged that, present applicant and his two other associates reached there, pelted stones, dragged informant out and gave him and Khillare beatings. As regards present applicant is concerned, it is alleged that he hit iron rod on the face of Santosh Khillare and broke his teeth. Babu Chaudhari tried to stab informant but he managed to ward off that blow. By that time, informant's cousin came. On above report, crime has been registered.

5. Learned APP has asserted that applicant was on bail in Crime No. 1123/2020 which was for offence under Section 302 IPC. Therefore, while on bail, present applicant has indulged in present offence wherein there is allegation of assault by means of iron rod on head and face. Thus, while on bail, present offence under Sections

307, 327, 325, 326, 341, 336, 324, 323, 504, 427 r/w 34 of IPC. Precisely taking the same into consideration, though applicant is behind bars since more than a year, this Court is not inclined to grant bail. Hence, I proceed to pass the following order:

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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