



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

941 BAIL APPLICATION NO. 1145 OF 2025

Ganesh Alias Tingya Mhasudev Pote

VERSUS

The State Of Maharashtra

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Mr. Ghanekar Nilesh S. and Mr. N. A. Shaikh, Advocate for Applicant
Mr. P. P. Dawalkar, APP for Respondent/State

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 17.10.2025

PER COURT :-

1. Heard.
2. This is the application for grant of regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.541 of 2024 registered at Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 307, 324, 336, 143, 147, 148 and 149 r/w 34 of the Indian Penal Code, 1860 and Sections 3/25 and 4/25 of the Arms Act and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act, 1951.
3. The learned advocate for the applicant pointed out the report in which the informant averred that a quarrel took place between him and Dhanya @ Danish Shaikh and Sahil on 25.04.2024 regarding

the rent of the travels. On 27.04.2024, while the informant was sitting and talking on his mobile phone, Dhanish Shaikh assaulted him on his neck with an axe. Another co-accused Sahil also assaulted him on his neck with an axe. The informant managed to defend himself but sustained injury to his left hand. When he was running to save himself, one Ufer @ Lala assaulted him on the back with a chopper and Ganesh Pote (Applicant) also struck him on the waist with a chopper. While the informant was running from the lane and when he turned back, he saw that Dhanya @ Danish fired at him. Thereafter the report was lodged against the applicant and co-accused.

4. The learned advocate for the applicant submitted that the applicant has been falsely implicated in the crime. He has no criminal antecedents. The applicant has roots in the society and he will not flee away from the trial. The learned advocate for the applicant submitted that some of the co-accused have been released on bail and lastly prayed to grant bail to the applicant on the ground of parity.

5. The learned APP for the State strongly opposed the application and submitted that the applicant is involved in a serious crime. Although other co-accused have been released on bail, the role of this applicant is very serious, as he had attempted to commit murder of the informant. In

such circumstances, if the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. It is submitted that the applicant's earlier Bail Application No.385 of 2025 was rejected by this Court on 05.05.2025. It is lastly prayed to reject the application.

6. Perused the charge sheet, particularly the report, injury certificate and statements of witnesses. The injury certificate shows that the informant sustained serious injuries. Injury No. 1 is an incised wound on the right posterior-lateral aspect of the neck, which is grievous. This constitutes an essential ingredient of Section 307 of the IPC. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. as he is involved in the serious crime of attempt to commit murder. Merely on the ground that the applicant has been behind bar for more than one year, bail cannot be granted to him. Considering all these reasons, the applicant is certainly not entitled for bail. At the most, trial can be directed to be expedited. No case is made out to allow the application on the principle that bail is the rule and jail is the exception. The Bail Application is rejected.

7. The Trial Court is directed to decide the case as expeditiously as possible, in any case within a period of one year from today. However, it is clarified that if any matter is earlier expedited either by the Hon'ble Supreme Court or this Court, then the Trial Court shall conclude that case first and then proceed further with this trial. Needless to mention that it is a sessions trial and word "sessions" means once it is started it shall not be stopped until it is concluded.

[SANJAY A. DESHMUKH, J.]

HRJadhav