



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

948 BAIL APPLICATION NO. 1174 OF 2024

NITIN PRAKASH JADHAV

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Jadhav Satej S., Advocate for Applicant

Mr. D. J. Patil, APP for Respondent-State

Mr. Mantri P. S., Advocate for Assist to APP

....

CORAM : SANJAY A. DESHMUKH, J.

DATED : 24/01/2025.

P. C. :

1. This is an application for granting bail under section 439 of the Code of Criminal Procedure, 1973 (for short "Cr.P.C.") in connection with crime No.267 of 2023 registered with Pundliknagar Police Station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 146, 147, 148, 149 of the I.P.C. and under Section 135 of Maharashtra Police Act. His application with similar prayer bearing bail No.1003 of 2024 came to be rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 02/07/2024.

2. It is averred in the report by the informant that when he was standing in the vegetable market with his friends, at that time the applicant and other co-accused came there. One of them, Nitin Jadhav, asked them as to what Nitin Kedar was talking with them and why he went away. The informant said that they don't know. That time, Nitin Jadhav took a chopper in his hand and started to assault him. Nitin Jadhav told his friends that don't allow the informant and his friends to go and they will eliminate him. Nitin Jadhav assaulted by a chopper on his right eye and cheek of the informant. Other accused also assaulted him by knife. Thereafter, the informant fell down. He was admitted in CIIGMA Hospital. He lost his right eye. Thereafter, report was lodged.

3. Learned advocate for the applicant submitted that co-accused Akash Ratan Banpure, Suraj Bhagwan Khandagale and Prem Asaram Sapate are released on bail by this court by order dated 12.04.2024, 04.01.2024 and 22.03.2024 in Bail Application Nos.586 of 2024, 2193 of 2023 and 84 of 2024., The applicant is praying bail on the ground of parity. The applicants has roots in the society. The investigation is over and the charge sheet is filed. He lastly prayed to allow the application.

4. Learned A.P.P. for respondent-State has strongly opposed the application and submitted that the applicant assaulted the informant with knife. There is evidence of eye witnesses and the witnesses who have experienced the assault. There is possibility of occurrence of similar crime on the part of this applicant. He lastly prayed to reject the application.

5. The learned counsel Mr. Mantri for the informant strongly opposed the application and submitted that the informant has got permanent disability because of assault on his eye at the instance of this applicant. Applicant has criminal antecedents. If the applicant is released on bail, possibility of happening of such assault cannot be ruled out and there is possibility of pressuring the witnesses particularly the informant. He pointed out the disability certificate of the informant issued by the hospital. Lastly, he prayed to reject the application.

6. Perused the charge sheet. The other three accused are released on bail. The informant sustained grievous injuries to his right eye and he lost 30% eye sight. No doubt it is serious offence. Other injuries are not grievous in nature. The applicant's antecedent is there but he is released on bail in those cases. The

applicant has roots in the society. He will not flee away from trial and the trial will take a long time. Considering nature of crime, punishment prescribed for the crime and all these aspects, the application deserves to be allowed on certain conditions. Hence, the following order.

ORDER

- I. Application is allowed.
- II. The applicant in connection with crime No.267 of 2023 registered with Pundliknagar Police Station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 506, 143, 144, 147, 148, 149 of I.P.C. and under Section 135 of Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the witnesses, in any manner.
 - b) The applicant shall not enter into Bharatnagar area, Chatripati Sambhaji Nagar till the conclusion of trial.
- III. The application is disposed of.

(SANJAY A. DESHMUKH, J.)