



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

940 BAIL APPLICATION NO. 1710 OF 2025

Raju Alias Rajiv Manika Gutte.

... Applicant

Versus

The State of Maharashtra.

... Respondent

Advocate for Applicant : Mr. Sachin Subhash Panale.

APP for Respondent / State : Mr. R. S. Wani.

CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 23rd September, 2025.

P.C.:

1 Heard.

2 This is an application for granting regular bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Crime No.437 of 2024, registered with Kandhar Police Station, District Nanded, for the offences punishable under Sections 190, 189(2), 118(1), 118(2), 115(2) and 109 of the Bharatiya Nyaya Sanhita, 2023 (for short, "the BNS").

3 The informant averred in the report that on 24th December, 2024, he was sitting in the house with the family members. At that time, the applicant, his son Hanmant and cousin Mahadabai came in

front of his house. They started a quarrel by saying, *"Do you beat the grandfather? I will see you outside."* The informant was trying to convince them. At that time, the applicant and co-accused Anil Ghughe caught hold him and the son of applicant namely Hanmant took out a knife and said, *"Today I will finish you."* He then assaulted on the stomach of the informant for two times. The informant sustained serious injuries. His mother Muktabai came there to rescue him. At that time, co-accused Sangeeta, wife of the applicant and co-accused Mahadabai assaulted her by stones on her stomach, chest and neck. At that time, Nagnath Gutte, Balaji Kagne, Nathrao Kagne and Shankar Gutte came there. They took the informant by auto rickshaw to the Government Hospital, Kandhar. Considering the serious injuries sustained to the informant and others, they were referred to Government Hospital, Vishnupuri. The report was lodged on the second day.

4 The learned counsel for the applicant submitted that the applicant is falsely implicated in the crime. The son of the applicant namely Hanmant is a juvenile in conflict with law. Hanmant had assaulted the informant and the applicant has not committed any overt act. Considering the role of the applicant, it is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious crime. He had attempted to commit the murder of the informant. It was a preplanned assault. Applicant's son came there with preparation to assault the informant. The learned APP pointed out the injury certificates of the informant, his wife and mother showing grievous injuries. Considering the role of the applicant and that the investigation is in progress, it is lastly prayed to reject the application.

6 Perused the papers of investigation, particularly, the report and the injuries certificates of the informant and the injured witnesses. The applicant alongwith other two persons assaulted the informant. He caught hold the informant, thereby enabling his son to inflict knife blows on the stomach of the informant. The injuries caused in the stomach of the informant shows that there was intention to commit his murder. Considering all these aspects, if the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper with the evidence. Case is not made out for granting bail to the applicant on the principle that bail is rule and jail is exception. Hence, the bail application is rejected.

[SANJAY A. DESHMUKH, J.]