



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1847 OF 2024

Balaji S/o. Saybu Gaikwad,
Age : 30 years, Occu. : Labour,
R/o. Kotalwadi, Tq. Himayatnagar,
Dist. Nanded.

... Applicant

Versus

1. The State of Maharashtra,
Through Superintendent of Police,
Dist. Nanded.

2. The Police Inspector,
Police Station Himayatnagar,
Tq. Himayatnagar, Dist. Nanded.

... Respondents.

.....
Mr. Ashish P. Deshpande, Advocate for Applicant.
Mr. C. V. Bhadane, APP for Respondents - State.

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CORAM : ABHAY S. WAGHWASE, J.

DATED : 09 APRIL 2025

ORDER :

1. Applicant seeks enlargement on regular bail on account of his arrest in Crime No. 61 of 2024 registered at Himayatnagar Police Station, Dist. Nanded for offence punishable under section 307 of Indian Penal Code.

2. Pointing to the date of arrest as 24.03.2024, learned counsel pointed out that, there are allegations of assault by axe in the backdrop of previous dispute. That, occurrence is of

22.03.2024. However, there is delay in reporting and FIR was lodged on 24.03.2024. That, there is no explanation for delay. That, therefore there is possibility of false implication. That, now investigation is over and charge sheet is filed in June 2024 itself. That, no further recovery or discovery is to be made. That, there is uncertainty about matter going for trial and applicant is ready to abide all and any conditions deemed fit by this court. Learned counsel pointed out that, applicant was treated for psychiatric issue. Recent report shows that, he is now completely treated. That, his parents are ready to take personal care of him and they would not let him mix in the society.

3. Learned APP opposed on the ground that serious offence of attempt to murder is committed. That, there are allegations of use of deadly weapon like axe. That, injury is inflicted on the head. Learned APP submits that in view of mental problem, family members of applicant need to take care of him and see that he does not pose any problem to others.

4. Heard. Perused the FIR dated 24.03.2024 at the instance of one Dashrath Gaikwad. He has reported that, on 22.03.2024, while he was returning home after watering the field, he was assaulted by applicant after questioning him for indulging in their quarrel. On above report, crime has been registered.

5. Now, investigation is over and charge sheet is filed in June 2024 itself. Record shows that, learned APP had placed medical papers before this court regarding applicant to be patient of schizophrenia. On 19.03.2025 report was called from Jail authority in view of above mental ailment of applicant. Today report is placed on record showing that, applicant was treated at Dr Shankarrao Chavan Government Medical College and Hospital, Vishnupuri, Nanded in the Psychiatric Department and he is discharged on 05.04.2025 with remark that his conscious, comprehensive and oriented to TPP. No delusions and hallucination and judgment to be intact.

6. Therefore, though report is that applicant has returned to normalcy, in view of oral undertaking given by learned counsel for applicant that his family will take care of him and would also see that he does not harm himself or members of society, application deserves to be allowed by imposing conditions. Hence, the following order is passed :-

ORDER

I. The application is allowed.

II. Applicant Balaji S/o. Saybu Gaikwad be released on bail in connection with Crime No. 61 of 2024 registered with Himayatnagar Police Station, Dist. Nanded, on executing Personal

Bond of Rs. 15,000/- with one surety in the like amount, on the following conditions :

[a] Subject to furnishing undertaking by either of his parents that, applicant will be taken care of and will not be allowed to misuse liberty or to cause harm to any member of the society.

[b] The applicant shall not tamper prosecution evidence.

[c] The applicant shall regularly attend each and every effective date before the trial court.

III. Parties to act on authenticated copy of this order.

(ABHAY S. WAGHWASE, J.)