



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1922 OF 2024

Vikas Bhagwan Bansode,
Age : 26 years, Occu. Vegetable Seller/Labour,
Resident of : Laine Nagar, Waluj,
Taluka Gangapur, District Aurangabad. ... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Waluj Police Station, Aurangabad. ... Respondent

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Mr. Kiran D. Jadhav, Advocate for the Applicant.
Mr. C. V. Bhadane, APP for the Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 06.01.2025
Pronounced on : 07.01.2025

ORDER :

1. Present application is successive attempt for grant of bail in consequence of registration of crime at Waluj Police Station, District Aurangabad vide crime no. 182 of 2024 for offence under Section 307, 324 and 201 of IPC.

2. Learned counsel for the applicant pointed out that, initially crime was registered for offence under Section 324 IPC. Subsequently, charge is upgraded to Section 307 IPC. It is submitted

that applicant is arrested on 09.06.2024 and he is behind bars since more than 6 months. That, occurrence is of 08.06.2024 but FIR is lodged on next date i.e. on 09.06.2024. Applicant is also injured. That, he is barely 26 years of age and there are no criminal antecedents. Victim injured is already discharged from hospital. Learned counsel pointed out that though there are allegations of use of knife, same is not recovered. That, now investigation is over and charge sheet is already filed in August 2024 itself. Therefore, for above reasons, learned counsel prays for relief of regular bail as, according to him, applicant is ready to abide all and any conditions imposed by this Court.

3. Learned APP, while opposing the bail application, pointed out that serious offence of attempt to murder is committed. That, there is direct eye witness account and statement of such witness is recorded by Investigating Officer. That, there is use of deadly weapon like knife and assault is on the vital organ like neck. That, injury certificate is also placed on record and therefore, it is his submission that, though charge sheet is filed, considering the serious nature of crime, as this Court was not inclined to grant relief, earlier regular bail application was withdrawn on 09.08.2024. Hence, for above reasons, learned APP prays to reject the instant application.

4. Heard. Perused the FIR dated 09.06.2024 at the instance of Shravan Namdeo Kate and substance of the FIR is that injured Shravan extended hand loan to present applicant to the tune of Rs.50,000/- and the same was demanded by making phone call on 08.06.2024. It transpires from the FIR that around 8.15 p.m. present applicant called injured near Shani Mandir and on the pretext of collecting money, took injured towards Maharashtra College. Informant reported that there was back stabbing on the neck by means of knife. Informant managed to run and inform watchman of the college and used his mobile to report the occurrence to his mother. Statement of the said watchman is recorded by police machinery and he has also stated that injured Shravan approached him in injured condition and there was bleeding from the neck. Injury certificate shows that, apart from one simple injury to hand, there is contused lacerated wound [CLW] admeasuring 14 x 1 x ½ c.m. on neck and it is certified that injury is grievous in nature.

5. Therefore, it seems that though initially crime was for offence under Section 324, it is later on upgraded to Section 307. Apparently, knife is used and injured is targeted on the neck which is vital part. Taking such accusations into consideration, though injured is discharged and applicant is behind bars for more than six months, this

Court does not find it a fit case to grant bail at this stage on the ground that charge sheet is filed. Hence, following order is passed :

ORDER

- I. The application is dismissed.
- II. Liberty is granted to file fresh bail application before Sessions Court, if so desired.

[ABHAY S. WAGHWASE, J.]

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