



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

BAIL APPLICATION NO. 2216 OF 2024

Dashrath S/o. Gangaram Ramboinwad

Age: 60 years, Occu.: Labour,

R/o.Kola Galli, Bhokar,

Tq.Bhokar, Dist.Nanded.

....Applicant

Versus

The State of Maharashtra

Through Police Station Officer,

Bhokar Police Station,

Tq.Bhokar, Dist.Nanded.

.....Respondent

.....

Advocate for Applicant : Mr.Suraj R. Mantri

APP for Respondent : Mr.S.B.Narwade

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 21 JANUARY, 2025

PRONOUNCED ON : 23 JANUARY, 2025

ORDER :

1. Applicant seeks his enlargement on regular bail on account of his arrest in Crime no.0129 of 2024 registered at Bhokar Police Station, District Nanded for offence under Sections 307 and 504 of the Indian Penal Code (IPC).

2. Pointing to the date of arrest dated 02-05-2024 in above crime, it is submitted that there are allegations by sister-in-law for

assaulting her husband on petty count like accused questioning her husband for receiving live stock from the owner of *Goshala*. Learned counsel pointed out that there are allegations of stabbing by knife, but knife, which is said to be recovered, has no blood stains and the same is rather recovered from open space. That, informant's husband suffered simple injuries and injuries were not life threatening so as to invoke offence of Section 307 of the IPC. That, applicant is behind bars since May 2024. That, recovery is already effected and nothing more is to be recovered or discovered from the applicant and hence, learned counsel prays for grant of relief of bail.

3. While opposing the bail application, learned APP pointed out that there is use of knife in inflicting two injuries. That, knife is recovered at applicant's instance. That, investigation is yet to be completed and therefore, as the case involves offence of attempt to murder, learned APP prays for rejection of application.

4. Heard. Perused the papers. FIR at the instance of Koshalyabai dated 02-05-2024 shows that at around 10:00 p.m. on 01-05-2024, when she, her husband and daughter were in the house, it is alleged that husband of her elder sister i.e. present applicant came and

questioned her husband for getting cow and calf from the owner of *Goshala* even when he himself was also working in the *Goshala* and that he had not received cow.

In above backdrop, she has alleged that applicant assaulted her husband by knife on waist and therefore, was taken to the hospital. Next day, she seems to have given supplementary statement further informing that, episode of assault had infact taken place when her husband and applicant brother-in-law had walked on the road from Lahuji Chowk to Mahadeo Temple and in above backdrop, injury was inflicted by knife. Statement of injured is also recorded to the above extent.

5. Primarily, it is emerging that both applicant and injured worked at *Goshala*. Injured alone has allegedly received cow and calf after leaving the job and getting enraged by the same, there was said to be assault by knife. Knife is said to be recovered. Injury certificate shows that informant's husband has suffered simple injuries. Therefore, when nothing further is shown to be recovered or discovered, no further purpose would be served by detaining the applicant. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Dashrath S/o. Gangaram Ramboinwad be released on bail in connection with Crime no.0129 of 2024 registered with Bhokar Police Station, District Nanded on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter Bhokar, Tq.Bhokar, District Nanded till conclusion of trial without prior permission of the Court.

(ABHAY S. WAGHWASE)
JUDGE