



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

BAIL APPLICATION NO. 2220 OF 2024

Subhash s/o. Bhimaji @ Laxman Gore
Age: 31 years, Occu.: Labour,
R/o. Daigavan, Chikalthana,
Tq. & Dist.Aurangabad.

..Applicant

Versus

The State of Maharashtra

.....Respondent

.....
Advocate for Applicant : Mr.Satej S. Jadhav
APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 02 JANUARY, 2025

PRONOUNCED ON : 03 JANUARY, 2025

ORDER :

1. Instant application is for grant of regular bail on account of arrest of applicant by Chikalthana Police Station in Crime No.0553 of 2024 registered for offence under Sections 109, 352, 351(2), 351(3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).

2. Pleading innocence and alleging false implication, learned Counsel for applicant pointed out that above FIR is filed with ulterior

motive. That there are allegations that vehicle driven by informant was deliberately tried to be given dash and to do away with informant. Learned Counsel pointed out that apparently informant did not suffer any injury either internal or external. That infact informant had grudge with one Manoj Bhalekar and present applicant has no concern with either said person or the informant. That alleged incident is of 13-11-2024. On above report, applicant was taken in custody and he is behind bars since then. Now investigation has also progressed extensively. He pointed out that there is no recovery or discovery to be made and therefore, he questions need of further custody. Learned Counsel pointed out that informant and present applicant reside at distinct places i.e. almost over 20 km. apart and therefore, there is no possibility of misuse of liberty. Lastly, it is submitted that applicant is ready to abide all and any conditions imposed by this Court.

3. Learned APP strongly opposed pointing out that, applicant is specifically named in the FIR. He pointed out that attempt was made to commit murder by giving dash by use of two vehicles. Learned APP pointed out that for offence of attempt to murder, injury is of no significance. He pointed out that investigation revealed that

present applicant and driver of the hyva truck namely Vijay were in touch with each other immediately prior to the alleged episode. That there are statements of witnesses. That investigation is still not complete and is rather going on. Learned APP expressed possibility of misuse of liberty for tampering the witnesses and that applicant also has criminal antecedents.

4. Heard both the sides. Perused the FIR dated 13-11-2024 at the instance of one Prabhakar Narayan Hiwale. Substance of the FIR is that on 13-11-2024, while informant was proceeding in his vehicle to meet his friend, he realized that his vehicle being chased by a unregistered Black Scorpio. Sensing trouble, informant was proceeding back to his village, but he claims that, he came across another unregistered hyva truck approaching him in high speed. Informant claims that both vehicles tried to give dash to his vehicle. Informant claims that there was attempt to kill him so as to prevent him from opposing bail proceedings pending against one Manoj, against whom crime was registered as a result of informant's brother namely Ramchandra Hiwale meeting death on 05-07-2023 regarding which crime was registered at Chikalthana Police Station. On above accusations, report was lodged against persons namely Manoj and

Vijay, who were said to be behind the wheels of both unregistered vehicles, resulting in registering above crime.

5. Learned APP has placed on record investigation papers including CDR of present applicant's mobile and also placed on record statements of witnesses named above. Papers placed by learned APP before this Court show that after FIR, present applicant was arrested on same day i.e. on 13-11-2024. Spot panchanama also seems to be drawn on same day itself. Vehicles in questions also appear to be seized. Statements of villagers named in the FIR also seem to be recorded, but on 15-11-2024. *Prima facie* they seem to be relatives of informant.

6. On Court query, learned APP could not point out as to for what reason further custody of present applicant is required and what is further to be recovered or discovered from the applicant. Applicant is apparently behind bars since 13-11-2024. There being no further convincing reason for continued custody and more particularly, considering the nature of accusations, the stage of investigation achieved, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Subhash s/o. Bhimaji @ Laxman Gore be released on bail in connection with Crime no.0553 of 2024 registered with Chikalthana Police Station, Chhatrapati Sambhaji Nagar (Gramin) on executing P.B. and S.B. of Rs.15,000/- with one or more sureties in the like amount.
- (iii) Applicant shall attend the concerned Police Station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicant shall not enter in the vicinity of Deolai village, Tq. and District Chatrapati Sambhajinagar, till conclusion of the trial.
- (v) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE