



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2241 OF 2024

Yogesh S/o. Tukaram Raut,
Age : 23 years, Occu. : Labour,
R/o. Shivajinagar, Majalgaon,
Tq. Majalgaon, Dist. Beed.

... Applicant

Versus

1. The State of Maharashtra,
(Through Police Inspector,
Majalgaon City, Police Station,
District Beed)

2. The Superintendent of Police,
District Beed.

... Respondents.

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Mr. Rameshwar M. Bhagwat h/f. Mr. Vaibhav A. Solanke, Advocate
for Applicant
Mr. P. K. Lakhotiya, APP for Respondents – State.
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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 22 JANUARY, 2025

PRONOUNCED ON : 23 JANUARY, 2025

ORDER :

1. This is a regular bail application on account of arrest of applicant in Crime No. 0353 of 2024 registered at Majalgaon City Police Station, District Beed for offence punishable under sections 109, 115(2) and 352 of Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel pointed out that, applicant is behind

bars in above crime since 09.09.2024. That, there are allegations of assault by blade. However, there is no injury certificate. He pointed out that alleged incident took place on petty count of honking horn. That, recovery of weapon is under memorandum of disclosure. Now, nothing is yet to be recovered or discovered from him and therefore his further detention being unwarranted, learned counsel prays for grant of regular bail.

3. Learned APP opposed on the ground that serious offence of attempt to murder has been committed. That, injuries are on vital part like neck. It could have turned down to be fatal, learned APP emphasized that, applicant is a history sheeter and as many as three crimes for attempt to murder and for commission of offence under section 325 of IPC are at his credit. That, he is in habit of committing above offence on minor counts and is a self proclaimed dada. Consequently, for above reasons, bail is opposed.

4. Perused the FIR dated 04.09.2024. Informant Suraj Salunke a teacher has reported police that on 03.09.2024 while he was returning home on his motorcycle, present applicant came riding scooter by continuously honking horn. When informant's attention was attracted to him, it is alleged that, applicant approached informant, abused him in filthy language and when

understanding was trying to be given, he allegedly issued threat to kill. He initially gave fist and kicks blows, then whisked out blade and inflicted blow on the neck and chest and was taken to the hospital. On above report, crime was seems to be registered. Injury certificate which is a part of charge-sheet shows that informant has suffered incised wound on neck, cheek and chest.

5. Taking such material into consideration, nature of allegations and background of the occurrence and as further nothing is shown yet to be recovered and discovered at his instance, relief as prayed deserves to be granted. Hence, the following order is passed :-

ORDER

- (i) Application is allowed.
- (ii) Applicant Yogesh S/o. Tukaram Raut be released on bail in connection with Crime No.353 of 2024 registered with Majalgaon City Police Station, District Beed on executing P.B. of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.
- (iv) Applicant shall not enter in the vicinity of Gajanan Nagar, Majalgaon, Dist. Beed till conclusion of the trial.

(ABHAY S. WAGHWASE, J.)