



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2304 OF 2024

Balaji S/o. Govindrao Jadhav
Age: 27 years, Occu.: Agri.,
R/o. Dugaon, Tq.Biloli,
District Nanded.

..Applicant

Versus

The State of Maharashtra
Through the Investigating Officer,
Kuntoor Police Station,
Dist.Nanded.

..Respondent

...

Advocate for Applicant : Mr.Nitin Shamrao Kadam
APP for Respondent : Mr.N.D.Batule

...

CORAM : ABHAY S. WAGHWASE, J.

DATE : 31 JANUARY, 2025

ORDER :

1. This is regular bail application on account of arrest of applicant in Crime no.0237 of 2024 registered at Kuntoor Police Station, Dist.Nanded for offence under Sections 118(1), 309(4), 126(2), 296, 115(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita (BNS).

2. It is pointed out that applicant is arrested on 29-11-2024 and he is behind bars since then. That, alleged incident is of 25-11-2024

and FIR is registered on 27-11-2024 i.e. after two days. He pointed out that informant is real uncle and allegations are against brother and nephew. That, two accused are already granted bail by the learned trial Court itself. He further pointed out that as regards to present applicant is concerned, there are allegation of inflicting injuries by use of knife, but it is on hand and said injury, on medical examination, is found to be simple in nature.

3. Learned Advocate for the applicant pointed out that though offence was registered for offence under Section 109 of the BNS, but subsequently on report of Doctor, offence was reduced to Section 118(1) of the BNS. That, now investigation has progressed extensively. That, prosecution is on the verge of filing chargesheet. As nothing is to be recovered from the applicant, learned Advocate prays for relief of bail.

4. Learned APP strongly opposed application on the ground that serious offence has been committed. That, there is use of weapon like knife. That, applicant being relative of informant, there is every likelihood of misuse of liberty. For above reasons, bail is opposed.

5. Heard both the sides. Perused the FIR dated 27-11-2024 at the instance of Vyankatrao Vithalrao Jadhav. There is said to be use of knife, however, there is injury certificate, which shows that injury suffered is on hand and it is simple in nature. Applicant is behind the bars since more than two months. Nothing is shown to be recovered or discovered at the instance of applicant. Apparently in view of report of Police Sub-Inspector, Kuntoor Police Station dated 07-01-2025 suggesting that offence is reduced from Section 109 of the BNS to Section 118(1) of the BNS, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Balaji S/o. Govindrao Jadhav be released on bail in connection with Crime no.0237 of 2024 registered with Kuntoor Police Station, Dist.Nanded, on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE