



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2315 of 2024

Avinash s/o Baban Gajbhare,
Age : 27 years, Occ. Labour,
R/o: Alegaon, Taluka Purna,
District Nanded.
[At present in jail]

... Applicant

Versus

The State of Maharashtra
Through Police Inspector,
Police Station Limbgaon,
Taluka and District Nanded.

... Respondent

.....
Mr. Vithal P. Kadam, Advocate for the Applicant.
Mr. N. D. Batule, APP for the Respondent/State.
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CORAM : ABHAY S. WAGHWASE, J.

Reserved on : 08.01.2025

Pronounced on : 09.01.2025

ORDER :

1. Applicant herein seeks enlargement on bail in crime no. 0065 of 2024 registered at Limbgaon Police Station, District Nanded for offence under Sections 341, 307, 323, 143, 147, 148, 149, 504 and 506 of IPC.

2. Taking this Court through the FIR, learned counsel pointed out that there is false implication on accusation of assault by means of

iron rod. Injuries are on the back and as such, are not on the vital part. That, out of three injuries, one is simple. That, FIR was lodged against present informant by present applicant and therefore, instant FIR is a backlash. Now, investigation is already over. Nothing is to be recovered and discovered from him and as applicant is behind bars since May 2024, learned counsel prays for relief of regular bail

3. Opposing the above application, learned APP pointed out that applicant is named. He was armed with iron rod and the same has been used in assaulting informant injured. Learned APP pointed out that there was CLW over parietal lobe of head and fracture. Apparently, there is grievous injury. There is recovery at the instance of the applicant. There is eye witness account and hence, learned APP prays to reject the application.

4. Perused the FIR dated 21.05.2024. It seems that, including present applicant, others seven accused are chargesheeted for commission of above offence i.e. with regard to occurrence dated 18.05.2024. According to informant injured, while he was proceeding in a Hyva, he was intercepted and questioned by one Namdeo Gajbhare as to why he stares at his wife and why he came to their house, and thereafter, persons named in the FIR allegedly assaulted

him by means of iron rod, axe etc. Present applicant is specifically shown to be armed with iron rod. Injury certificate, to which attention is invited, shows that informant Suryakant suffered in all 11 injuries and two amongst them are grievous, i.e. on forearm and chest, causing displaced fracture to the 11th rib.

5. Therefore, role of applicant is crystallized. There are allegations of use of rod. Offence is registered under Section 307 and other provisions of IPC. Consequently, considering the above material on record, this Court is not inclined to grant relief of bail. Hence, following order is passed :

ORDER

The application is dismissed.

[ABHAY S. WAGHWASE, J.]

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