



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.2397 OF 2024

1. Ganesh @ Dnyaneshwar Santosh Gande
Age: 32 years, Occu.: Agriculture
R/o Pandinagar, Vaijapur, Tq. Vaijapur,
District Aurangabad (Chh. Sambhajinagar) ... Applicant

Versus

1. The State of Maharashtra
Through Police Inspector
Newasa Police Station,
Tq. Newasa, District Ahmednagar ... Respondent

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Mr. Rajendra S. Sadaphule, Advocate for Applicants
Mr. V.S. Badakh, APP for Respondent – State

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 14 JANUARY 2025

PRONOUNCED ON : 16 JANUARY 2025

ORDER :

1. Applicant seeks enlargement on bail in in Crime No.1090 of 2024 registered at Newasa Police Station, District Ahmednagar for offences punishable under Sections 115(2), 118 (1), 118(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita (BNS).

2. Learned Counsel for applicant pointed out that crime was registered on 09.12.2024 regarding procurance dated 08.12.2024. It is pointed out that applicant is arrested on 10.12.2024. There is allegation

of assault by knife on the palm of Sanjay Shinde (cousin brother of informant). It is pointed out that, in the FIR, seven persons are named along with three unknown persons including minor. That, some of the accused are already beneficiaries of anticipatory bail by this Court vide order dated 03.01.2025 in anticipatory bail application No.2187 of 2024. That, now, investigation is almost over, and as nothing is to be recovered or discovered from the applicant, learned counsel prays for grant of regular bail.

3. While opposing the bail application, learned APP pointed out that, allegations of assault by knife and around ten persons formed unlawful assembly and mounted assault on informant and his family members. That, there are allegations of use of iron rod, knife and iron stick. That, present applicant is named in the FIR, and according to the learned APP, investigation is still incomplete. Therefore, he prays for rejection of application.

4. After hearing submissions of both sides on going through the papers, it seems that one Dnyandeo Shinde, while undergoing treatment, lodged a report alleging that on 08.12.2024, seven persons named in the FIR, along with three unknown persons, assaulted him. This alleged assault occurred in the context of the missing daughter of one of the accused. Threats to kill were also alleged.

5. As regards the present applicant is concerned, in the FIR, it is reported that he inflicted knife blow on the palm of Sanjay Shinde. Injured has suffered simple injuries. Learned counsel for the applicant also pointed out that, while granting anticipatory bail, this court had specifically noted, upon perusal of the police papers at that time, that the injuries suffered by the injured person were of a simple nature. Therefore, taking the above submissions into consideration and as learned APP could not point out as to why the further detention of applicant is necessary and further when nothing is shown to be yet recovered or discovered at the instance of applicant, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Ganesh @ Dnyaneshwar Santosh Gande be released on bail in connection with Crime No.1090 of 2024 registered at Newasa Police Station, District Ahmednagar for offences punishable under Sections 115(2), 118 (1), 118(2), 189(2), 191(2), 191(3), 190, 352, 351(2), 351(3) of the Bhartiya Nyaya Sanhita (BNS) 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**