

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
Criminal Appellate Jurisdiction.**

CRIMINAL APPLICATION NO. 2466 OF 2015.

**YOGESH ABHIMAN DESHMUKH & ORS.
VERSUS
THE STATE OF MAHARASHTRA.**

Appearance =>

Mr. V.D. Salunke, Advocate h/for Mr. Shambhuraje V. Deshmukh,
Advocate for the Applicants.

Mrs. Pratibha Bharad, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. Deshpande, J.

DATE : 10th June, 2015.

Per Court :-

Present Criminal Application is filed by the applicant for grant of regular bail, in connection with CR No. 43/2015 registered with Police Station, Washi, District – Osmanabad, for the offences punishable under Section/s 307, 326, 143, 147, 148, 149 of the Indian Penal Code.

[2] Heard Mr. V.D. Salunke, learned counsel for the Applicants and Mrs. Pratibha Bharad, learned Additional Public Prosecutor for the State.

At the outset, Mr. V.D. Salunke, learned counsel submitted that he is not pressing the Application for regular bail for Applicant No.2 – Meghraj and seeks liberty to file application, afresh before the trial court, after filing of the charge sheet. Prayer accepted.

[3] Applicant No.1 Yogesh is in jail since 25th March, 2015. The incident is occurred on 11th March, 2015. In the said incident, three persons suffered injuries. They are Mahesh Balasaheb Chavhan, Samadhan and Avinash Appasaheb Chavhan, who is the first informant. From the First Information Report and also from the investigation papers which are made available to me, allegation against Yogesh is that he has given blow of iron bar on the forearm of first informant – Avinash, due to which he has suffered injuries. In so far as Yogesh is concerned, there are no allegation that he has made any assault on Mahesh who has suffered fracture to skull.

[4] Looking to the nature of accusation made in the First Information Report and corresponding injuries to the first informant – Avinash and the fact that applicant is behind bar since 25th March, 2015, and the investigation is at the verge of completion, further incarnation in jail, is not warranted. Hence, I pass the following order :-

ORDER

(i) Criminal Application is partly allowed.

(ii) Application filed by Applicant No.2 – Meghraj Jaysing Deshmukh is dismissed as withdrawn.

Liberty is given to him to file regular bail application, afresh before the learned trial court, after filing of the charge sheet.

(iii) Applicant No.1 – Yogesh Abhiman Deshmukh shall be released on regular bail on he executing P.R. Bond of Rs. 15,000/- [Rs. Fifteen Thousand.] with one solvent surety in the like amount, in connection with CR No.43/2015 registered with Police Station, Washi, District – Osmanabad, for the offences

punishable under Section/s 307, 326, 143, 147, 148, 149 of the Indian Penal Code.

(iv) Bail before trial court.

(v) Needless to mention, the applicant shall not directly or indirectly tamper, in any manner whatsoever, with the prosecution evidence.

(vi) With this Criminal Application is allowed and same is disposed of accordingly.

(V.M. DESHPANDE, J.)