

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

925. CRI.APPLN/7097/2014

WITH

CRI.APPLN/7104/2014

LAXMAN S/O MADHAVRAO JADHAV AND ANOTHER  
V/S

THE STATE OF MAHARASHTRA

Mr. Rajendra S. Deshmukh, Advocate for applicant in CA No. 7097/2014.

Mr. V.G. Mete, Advocate for applicant in CA No. 7104/2014.

Mr. M.M. Nerlikar, APP for State.

**CORAM : T.V. NALAWADE, J.**

**DATED : 16th January, 2015.**

**ORDER :**

1. Both the applications are filed for bail. Both the sides are heard. This Court has perused the papers of investigation. The chargesheet is filed against the applicants for the offence punishable under section 307 r/w. 34 of I.P.C. and few other sections.

2. It appears that the crime was registered on the basis of report on given by Dnyaneshwar Jadhav and Anil Thaur on 1.3.2014. The villagers of their village had some dispute with the persons who were excavating sand from the river bank. In the incident, which took place on the night between 1.2.2014 and

2.2.2014, the applicants assaulted the complainants by using weapons like iron bar. Due to that, the complainant Dnyaneshwar Jadhav sustained fracture injury to his hand. It is the case of complainants that complainant Dnyaneshwar Jadhav had become unconscious and it was attempt made on their lives as they were opposing to excavate the sand. It appears that on the basis of order made under section 156 (3) Cr.P.C. by the learned J.M.F.C., the investigation was made and now the chargesheet is filed.

3. In the past, relief of anticipatory bail was granted in favour of the applicants by the Sessions Court and that was cancelled by this Court. This decision was challenged up to the Apex Court. As the applicants failed, they surrendered and it was submitted that since 22.12.2014 they are continuously behind bars as under trial prisoners. It appears that the case is not yet committed to Sessions Court. This Court has gone through the injury certificates of both the complainants Dnyaneshwar Jadhav and Anil Thaur which show that Dnyaneshwar sustained seven contusions which include fracture injury and Anil sustained three contusions.

4. In view of the nature of injuries sustained and

aforesaid circumstances and as the applicants are behind bars since 22.12.2014, this Court holds that it is not desirable to keep the applicants behind bars till the disposal of the case. It is also not certain as to when the case will be committed to Sessions Court and trial will be concluded.

5. So, both the applications are allowed. The applicants are to be released on bail on their furnishing PR and SB of Rs. 15,000/- (Rupees fifteen thousand) by each of them. They are not to tamper the prosecution witnesses. They are not to commit similar offence.

**[ T.V. NALAWADE, J. ]**

ssc/