

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Application No. 4073 of 2016

District : Beed

1. Bhagwan s/o. Yeshwant Tipte,
Age : 45 years,
Occupation : Agriculture,
R/o. Tippiatwadi,
Taluka & District : Beed.

2. Anurath s/o. Bhagwan Tipte,
Age : 22 years,
Occupation : Agriculture,
R/o. Tippiatwadi,
Taluka & District : Beed.

3. Santosh s/o. Bhagwan Tipte,
Age : 22 years,
Occupation : Agriculture,
R/o. Tippiatwadi,
Taluka & District : Beed. .. Applicants.

versus

The State of Maharashtra,
Through Police Inspector,
Police Station (Rural),
Beed,
Taluka & District : Beed. .. Respondent.

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Mr. R.G. Hange, Advocate, for applicants.

*Mrs. P.V. Diggikar, Addl. Public Prosecutor,
for the respondent.*

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CORAM : A.M. BADAR, J.

DATE : 1ST SEPTEMBER 2016

ORAL ORDER:

Applicants / accused in Crime No. 113/2016, for offences punishable under Sections 307, 341, 147, 148, 149, 324, 323, 506 of the Indian Penal Code and under Section 4/27 of the Arms Act, registered with Police Station, Beed (Rural), District Beed, by this application, are seeking their release on bail.

2. Heard the learned Counsel appearing for applicants as well as the learned Addl. Public Prosecutor appearing for the respondent - State. None appeared for the informant.

3. The learned Addl. Public Prosecutor opposed the application by contending that informant Govind Uttam Tipte and his father Uttam had suffered grievous hurt in the assault by present applicants. The learned Addl. Public Prosecutor further argued that even Ayodhya Tipte had suffered injuries in this assault. There are eye witnesses to the incident in question and weapons of offence are recovered from present applicants.

4. Perused papers of investigation including FIR in this Crime No. 113/2016, registered at the instance of injured Govind Uttam Tipte. It is seen that immediately thereafter, Crime No. 114/2016 is registered against informant Govind Uttam Tipte and

other members of the prosecuting party, at the instance of accused Bhagwan Yeshwant Tipte.

5. Perused FIR lodged by Govind Tipte. It is seen that there was dispute between cousins because of partition of ancestral land. The incident in question is fallout of this dispute regarding ancestral land. Perusal of both FIRs shows that there was free fight between members of cousin families. According to informant Govind Tipte, present applicants and co-accused assaulted him as well as his family members. It is averred that applicants Bhagwan Tipte and Santosh Tipte assaulted the informant by sword whereas applicant no.2 Anurath assaulted him by means of stick. Father of the informant was also assaulted as well as his family members. It is seen that informant Govind Tipte has suffered fracture injury whereas his father Uttam suffered contusion over left scapular region which is stated to be grievous hurt.

6. Be that as it may, major portion of investigation is already over and it is stated by the learned Counsel for applicants, on instructions, that injured are already discharged from the hospital. As such chances of turning the offence graver are not there.

7. In this view of the matter, there are no

reasons to deny liberty to applicants.

8. Hence, I pass the following order :-

(a) The application is allowed.

(b) Applicants / accused, in the above crime, be released on bail on their executing P.R. Bond in the sum of Rs. 15,000/- each and on furnishing one or more solvent sureties of the like amount by each of them.

(c) Applicants shall not, directly or indirectly, make any inducement, threat or promise to any persons acquainted with the facts of the case so as to dissuade them from disclosing such facts either to the Court or to any police officer.

(d) Applicants shall not tamper with the prosecution evidence in any manner and shall cooperate the learned trial Judge in expeditious disposal of the trial, in the event of filing charge-sheet against them in the crime in question, by the Investigating Officer.

(e) Applicants shall not repeat commission of similar type of offences in future. Breach of this condition will entail the prosecution to apply for cancellation of bail.

9. The Application stands disposed of in the
aforesaid terms.

(A.M. BADAR)
JUDGE

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