

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

Criminal Application No. 4582 of 2016

District : Aurangabad

1. Laxman s/o. Damu Gawale,
Age : 45 years,
Occupation : Agriculture.
2. Dnyaneshwar s/o. Laxman Gawale,
Age : 21 years,
Occupation : Agriculture.
3. Ram s/o. Laxman Gawale,
Age : 18 years,
Occupation : Agriculture.
4. Shyam s/o. Laxman Gawale,
Age : 18 years,
Occupation : Agriculture.

All are R/o. Bhadji,
Devdar Vasti,
Taluka : Khultabad,
District : Aurangabad.

.. Applicants.

versus

The State of Maharashtra
(At the instance of Khultabad
Police Station)

.. Respondent.

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*Mr. Abhaysinh K. Bhosale, Advocate, for
applicants.*

*Mr. S.B. Yawalkar, 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. I-60/2016, for offences punishable under Sections 307, 323, 326, 504, 506, 143, 144, 147, 148, 149 and 120B of the Indian Penal Code, registered with Police Station, Khultabad, District Aurangabad, at the instance of Roshan Harish Gawale, by this application, are seeking their release on bail after filing of the charge-sheet.

2. Heard the learned Counsel appearing for applicants as well as the learned Addl. Public Prosecutor appearing for the respondent.

3. The learned Addl. Public Prosecutor opposed the application by contending that there is chance of repetition of similar offence in future as the dispute is regarding a well jointly owned by the prosecuting party as well as accused persons. He further argued that the crime in question is serious and one of the injured has suffered grievous hurt.

4. Perused the charge-sheet. According to the prosecution case, there is dispute between accused persons on one hand and the informant and his family

members on the other hand, over a well jointly owned by them. Accused persons are related to the prosecuting party. According to the prosecution case, on 13.04.2016 at about 10.30 p.m., accused persons including present applicants came in front of their house. Thereafter applicant Dnyaneshwar gave blows of knife to Harish Gawale. Applicant Sham Gawale gave blow of an axe from blunt side to informant Roshan Gawale. Applicant Laxman Gawale gave blow of a sword to the mother of the informant. They have also caused injury to other family members of the informant.

5. Perusal of injury certificates shows that Harish Gawale has suffered three injuries which are of simple nature. Injured informant Roshan Gawale suffered three injuries which also simple in nature. Injured Kunal Gawale had suffered one contused lacerated wound which is reported to be simple injury. Injured Jyoti Jadhav has also suffered a simple injury. Injured Sanjana - mother of the informant had suffered one contused lacerated wound which is reported to be grievous and another cut injury which is stated to be simple. On instructions, the learned Counsel for applicants submits that all injured are already discharged from the hospital and as such there is no possibility of turning the offence to graver one.

6. Considering the fact that all applicants are permanent residents of village Bhadji, Devdar Vasti, Taluka Khultabad, District Aurangabad, having deep roots in the society and as the charge-sheet is already filed, I see no reason to deny bail to them as the learned Counsel for applicants, on instructions, submits that during pendency of the trial against them, applicants will not claim any right over a well stated to be jointly owned by accused persons as well as prosecuting party. The statement made by the learned Counsel for applicants, on instructions, is accepted.

7. 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 they shall not try to contact prosecution witnesses including the informant in any manner.

(e) Applicants shall cooperate the learned trial Judge in expeditious disposal of the trial against them.

(f) Applicants shall not repeat commission of similar type of offences in future.

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

(A.M. BADAR)
JUDGE

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