

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

11 CRIMINAL APPLICATION NO. 5174 OF 2016

**GANESH S/O VIJAYSING KATHUMBRE
& ANR.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. C.R.Thorat, Advocate for Applicants.

Mr. N.B.Patil, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 27th SEPTEMBER, 2016

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PER COURT :

1. The applicants/accused in Crime No. 188/2016 registered at Sillegaon police station, Tq. Gangapur, Dist. Aurangabad for the offences punishable u/ss 307,324,323, 143,147,148,149,504,506 of the Indian Penal Code, by this application are praying for releasing them on bail.

2. Heard the learned counsel for the applicants/accused. He argued that in respect of the same incident, there is counter F.I.R. and neighbours of the prosecuting party are accused in that crime. He further

argued that they are already released on bail by this Court. The learned counsel argued that the role attributed to present applicants is assault to the members of prosecuting party by means of Axes. On instructions, the learned counsel submits that all injured are already discharged from the hospital since long back. He further argued that necessary investigation is already over and, therefore, the applicants are entitled for bail.

3. The learned A.P.P. opposed the application by submitting that there are eye witnesses to the incident in question and present applicants assaulted the members of prosecuting party with an intention to kill them.

4. Perused F.I.R. lodged by injured Nagina Manoj Meher, so also the statements of eye witnesses and injury certificates of the members of prosecuting party. The dispute between prosecuting party and accused persons is on account of agricultural land. According to the prosecution case, on 30/06/2016, at the disputed field the accused persons have formed an unlawful assembly and indulged in rioting. In that process, applicant Ganesh s/o Vijaysing Kathumbre gave blow of an Axe on the head of Kamlabai Meher, whereas applicant Suresh s/o Vijaysing Kathumbre had given blows of Axe on the head of Supadsingh.

5. The injury certificates with the case diary shows that all injured had suffered simple injuries. They appear to have been discharged from the hospital. The statements of witnesses are already recorded by the Investigating Officer.

6. In this situation, I see no reason to refuse bail to present applicants. Hence, the following order.

(i) The application is allowed.

(ii) Applicant No. 1 Ganesh s/o Vijaysing Kathumbre and applicant No. 2 Suresh s/o Vijaysing Kathumbre in Crime No. 188/2016 registered at Sillegaon police station, Tq. Gangapur, Dist. Aurangabad for the offences punishable u/ss 307,324,323,143,147,148,149,504,506 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 15,000/- [Rupees Fifteen Thousand] each and on furnishing surety in the like amount.

(iii) As a condition of this Order, the applicants shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

(iv) The applicants shall not tamper the evidence of the prosecution.

[A.M.BADAR, J.]