

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

914 CRIMINAL APPLICATION NO. 5242 OF 2016

**BRAMHADEO S/O LAXMAN SHINDE
& ORS.**

VERSUS

THE STATE OF MAHARASHTRA

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Mr. Satej S.Jadhav, Advocate for Applicants.

Mr. S.P.Sonpawle, A.P.P. for Resp. – State.

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CORAM : A.M.BADAR, J.

DATE : 30th SEPTEMBER, 2016

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PER COURT :

1. The applicants, who are accused in Crime No. 21/2016 registered at Ambajogai Rural police station, Dist. Beed for the offences punishable u/ss 307,324,323,143,147, 148,149,452 of the Indian Penal Code, by this application are seeking their release on bail after filing of the charge sheet.

2. Heard the learned counsel for applicants/accused. He argued that even the F.I.R. reflects giving only one blow to the injured by accused persons. He further argued that the incident in question might have took place in the bout of

anger, as on earlier day brother of the informant had been to the house of applicant Bramhadeo s/o Laxman Shinde and some incident took place which has caused lodging of report against brother of informant Pravin Sahebrao Shinde by applicant Bramhadeo s/o Laxman Shinde. The learned counsel drew my attention to injury certificates as well as statement u/s 164 of the Code of Criminal Procedure of informant Pravin Sahebrao Shinde and submitted that even according to the prosecution case, all injured are already discharged from the hospital. As such, there is no possibility of further aggravation of the offence.

3. Learned A.P.P. opposed the application by contending that apart from the members of the prosecuting party there is independent eye witness to the crime in question. He further argued that intention of accused persons can be reflected from the injury caused to Sahebrao - father of the informant.

4. Perused the charge sheet. According to the prosecution case, applicant Bramhadeo s/o Laxman Shinde had hired auto rickshaw driven by Pratik, but failed to pay rent thereof. Therefore, Pratik had been to the house of applicant Bramhadeo s/o Laxman Shinde on 03/04/2016 for demanding rent. The incident which took place at that time, has resulted in lodging report against Pratik - brother of the informant by applicant Bramhadeo s/o Laxman Shinde. According to the prosecution case, on the next day, all accused persons formed an unlawful assembly and entered in the

house of Pratik Shinde. They then started assaulting members of Shinde family by means of Axe, wooden logs and sticks. Ram Shinde gave blow of an Axe to Sahebrao Shinde, Ramesh Laxman Shinde gave blow of stick on the head of informant Pravin Shinde. Other members of the prosecuting party are also stated to have been assaulted by means of fists and kicks blows as well as sticks. The charge sheet reflects that when accused persons entered the house of Shinde family, Pratik locked himself in a room.

5. The injury certificate of informant Pravin Shinde, Chhayabai and Sheshabai shows that they suffered simple injuries. Sahebrao Shinde has suffered Linear non-displaced fracture of right parieto temporal bone. The charge sheet also shows that all injured are already discharged from the hospital. The investigation is over.

6. In this view of the matter, I see no reason to refuse bail to the applicants, particularly considering the nature of injuries suffered by the prosecuting party vis-a-vis averment regarding giving blows on them by accused persons. Similarly, statement of Chhayabai shows that except applicant Bramhadeo s/o Laxman Shinde, all other accused persons are residents of Pune and as such question of tampering of prosecution evidence may not be there. Hence, the following order.

(i) The application is allowed.

(ii) Applicant No. 1 Bramhadeo s/o Laxman Shinde, applicant No. 2 Ram s/o Laxman Shinde, applicant No. 3 Ramesh s/o Laxman Shinde, applicant No. 4 Bhagwat s/o Laxman Shinde and applicant No. 5 Lakhan s/o Laxman Shinde in Crime No. 21/2016 registered at Ambajogai Rural police station, Dist.Beed for the offences punishable u/ss 307,324,323,143,147,148,149,452 of the Indian Penal Code be released on bail on executing P.R. Bond of Rs. 30,000/- [Rupees Thirty 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.

(v) The applicants shall co-operate the trial Court in the expeditious disposal of trial against them.

7. The Criminal Application stands disposed of.

[A.M.BADAR, J.]