

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

16 CRIMINAL APPLICATION NO. 1391 OF 2017

KOMESH S/O. RAMESH BALSHANK AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

Shri. Ganesh P. Shinde, Advocate, for applicants.

Shri. A.R. Borulkar, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 4 April 2017

ORDER:

1) The application is filed for bail. Both the sides are heard. It was submitted that this is the first application filed for bail in this Court.

2) Crime No.299/2016 is registered in Vimantal Police Station Nanded for offences punishable under sections 307, 324, 323, 504, 506, 34 of the Indian Penal Code and under section 135 of the Bombay Police Act against the present applicants and others on the basis of report given by one Rahul More. On that date two crimes

were registered in the same police station. Crime No.297/2016 was registered but that was against the complainant of the present matter in respect the same incident and it was for offences under sections 324, 504, 34 of the Indian Penal Code.

3) Allegations are made that the incident in question took place due to evasive cut given by the vehicle of one side to the vehicle of other side. Allegations are made that in the incident Kunal Kamble was assaulted by present applicant No.2-Nilesh by using iron bar and Suresh Jethkar was assaulted by present applicant No.1 Komesh Balshankar and one Shubham by using iron bar. Allegations are made that complainant Rahul More was also assaulted by the present applicants and others.

4) The record shows that only Suresh sustained the grievous injury and as there was head injury, he was indoor patient for about 8 days. Others sustained simple injuries.

5) The applicants are behind the bars since 21-11-2016. There is record of aforesaid nature and the incident took place on petty ground. This Court holds that it is not desirable to keep the applicants behind the bars till disposal of the case which may be filed against them.

6) In the result, the application is allowed. The applicants are to be released on bail in connection with Crime No.299/2016 registered in Vimantal Police Station Nanded for offences punishable under sections 307, 324, 323, 504, 506 read with 34 of the Indian Penal Code on their furnishing PB and SB of Rs.15,000/- by each them. They are not to tamper with prosecution witnesses. They are not to commit similar offences.

Sd/-
(T.V. NALAWADE, J.)

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