

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

921 CRIMINAL APPLICATION NO. 1623 OF 2017
With
CRIMINAL APPLICATION NO.1930 OF 2017

SACHIN S/O. LAHU WAGHMARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA

Shri. Sudarshan J. Salunke, Advocate, for applicants.

Shri. S.W. Munde, Additional Public Prosecutor, for
respondent.

Shri. Ravindra Nirmal, Advocate, for applicant in Criminal
Application No.1930 of 2017 to assist the A.P.P.

Coram: T.V. NALAWADE, J.

Date: 11 April 2017

ORDER:

1) Criminal Application No. 1930 of 2017 filed for
permission to assist the learned Additional Public
Prosecutor is allowed. The applicant is permitted to assist
the APP. He is not permitted to address the Court.

2) Papers of investigation were made available to
this Court by the learned Additional Public Prosecutor.
One Ram Gondge gave report in respect of incident dated
26-1-2017 on the same day to Mantha Police, District Jalna

and on the basis of that report, crime came to be registered for offences punishable under sections 120B, 143, 147, 148, 149, 307, 324 etc. of the Indian Penal Code and under section 4/25 of the Arms Act. One Krishna is seriously injured in the incident. The incident took place in the campus of one college from Mantha. These boys had attended the flag hoisting ceremony. When Krishna was returning on his motor cycle to home, Sachin Waghmare gave blow of iron rod on his back and due to that Krishna fell with the motor cycle. He could not rise on his feet as his one foot came under silencer. Then accused Charan and accused Pawan took part in the incident. During incident accused Rakesh Randhe gave blow of knife on the abdomen of Krishna. Allegation made against Sachin is that he first assaulted Pappu and afterwards he assaulted the complainant and one Uday Borade by using hook of coolie.

3) There are statements of eye witnesses including statement of Krishna. There is medical record showing that Krishna sustained serious injury and due to stab injury there was injury to internal organs like liver

and right kidney. Learned Additional Public Prosecutor submitted Krishna has lost one kidney and it was required to be removed due to injury. On the last date this Court had asked the learned APP to produce record of injury in respect of other injured witnesses. But no such record is produced. The APP has shown a communication made to him by the investigating officer. In any case, the allegations as against Sachin and Charan are not of that serious.

4) Applicant No.1-Sachin and applicant No.3 - Charan are behind the bars for more than two months. Charge-sheet is not yet filed. It is not certain as to when charge-sheet will be filed and as to how much time will be required for disposal of the case and so this Court holds that bail needs to be granted to Sachin and Charan. However, considering the allegations as against Rakesh this Court is not inclined to grant bail to him. When this Court expressed that the Court is not inclined to grant bail to Rakesh, learned counsel for this applicant, on instructions, submitted that he wants to withdraw his application.

5) In the result, the application of applicants Nos.1 and 3 - Sachin and Charan is allowed. They are to be released on bail in Crime No.6/2017 registered with Mantha Police Station, District Jalna for offences punishable under sections 120-B, 143, 147, 148, 149, 307, 324 etc. of the Indian Penal Code and under section 4/25 of the Arms Act on their furnishing Personal Bond of Rs.30,000/- by each of them with one solvent surety in the lime amount. They are not to tamper with prosecution witnesses. They are not to commit similar offences. The application of applicant No.2-Rakesh is disposed of as withdrawn.

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

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