

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL APPEAL NO. 1132 OF 2019

1. Yamaji s/o. Sarangdhar Bakal,
Age 21 years, Occu. Labour,
R/o. At Post Daregaon,
Tq. And Dist. Jalna.
2. Sangram s/o. Madan @ Madansing Chavan,
Age 22 years, Occu. Labour,
R/o. At Post Daregaon,
Tq. And Dist. Jalna.
3. Eknath s/o. Madan Korde,
Age 19 years, Occu. Education,
R/o. At Post Daregaon,
Tq. And Dist. Jalna.
4. Bharat s/o. Kaduba Tirukhe,
Age 21 years, Occu. Labour,
R/o. At Post Daregaon,
Tq. And Dist. Jalna.

....Appellants.

Versus

1. The State of Maharashtra,
Through Police Station Officer,
Chandanzira Police Station,
Jalna, Dist. Jalna.
2. Raju Karbhari Ambhore,
Age 21 years, Occu. Education & Labour,
R/o. Bhilpuri, Tq. Badnapur,
Dist. Jalna.

....Respondents.

Mr. S.J. Salunke, Advocate for appellants.

Mrs. V.S. Choudhari, APP for respondent No. 1/State.

Mr. Ashutosh S. Kulkarni, Advocate for respondent No. 2.

**CORAM : T.V. NALAWADE AND
S.M. GAVHANE, JJ.**

DATED : 29/11/2019.

ORAL JUDGMENT : [PER T.V. NALAWADE, J.]

1) The appeal is **admitted**. Notice after admission is waived by learned APP for State and learned counsel Shri. Kulkarni for respondent No. 2. Heard both the sides.

2) The appeal is filed for bail against the order of learned Additional Sessions Judge, Jalna on Exh. 1 of Cri. (Misc) Application (Bail) No. 968/2019. The said application was filed for bail in C.R. No. 263/19 registered with Chandanzira Police Station, District Jalna for the offences punishable under sections 307, 323, 504 r/w. 34 of Indian Penal Code and section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The crime is registered on the basis of report given by respondent No. 2 Raju Ambhore. This Court has carefully gone through the F.I.R. and other papers of investigation.

3) It appears that there was dispute between two groups of youngsters on installing Pan stall at Chowk. Initially there was Pan stall of brother of Raju Ambhore and other side wanted to install their Pan stall at that place and dispute started.

The allegations are made that on 13.8.2019 at about 2.17 p.m. the informant was called out of the place of his work and then he was assaulted by using knife by Eknath Korde on chest and on right hand. Allegations are made that other three appellants assaulted the informant by giving fist blows and kick blows. When Sanjay, brother of informant tried to intervene, he was also assaulted. The incident was witnessed by one watchman where Raju was working.

4] The injury certificate of Raju shows that he sustained injuries over right side of chest, above right elbow joint and over right arm. The police papers do not include the papers in respect of injury sustained by Sanjay. The learned counsel appointed for respondent No. 2 submitted that yesterday only Raju and Sanjay came to be arrested in the crime No. 261/19 which is also registered for offences punishable under section 307 r/w. 34 of I.P.C. There are allegations against Raju that he had used knife in the incident and there will be use of section 307 r/w. 34 of I.P.C.

5) In view of the injuries sustained by Raju and the weapons use by accused, this Court expressed that accused Eknath Korde is not entitled to get bail atleast at this stage. The learned counsel for Eknath on instruction submits that he is not

pressing the application of Eknath. The injury certificates do not show that any other injury was found on the person of Raju. Investigation is not yet completed and it is not certain as to when the trial will be completed. Appellant Nos. 1, 2 and 4 are in Jail since 9.10.2019. In view of these circumstances, this Court holds that they are entitled to bail and following order is made.

ORDER

The appeal of the appellant Nos. 1, 2 and 4 is allowed. The impugned order made against them is quashed and set aside. They are to be released on bail on their furnishing PR and SB of Rs.15,000/- (Rupees fifteen thousand) by each of them. They are not to tamper with the prosecution witnesses. They are not to commit the similar offence. They are to remain away from the village of Raju Ambhore till the disposal of the case, if the case is filed against them. The appeal of the appellant No. 3 is disposed of as withdrawn.

[S.M. GAVHANE, J.]

[T.V. NALAWADE, J.]

ssc/