

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2661 OF 2019

Satish Vitthal Yadav & Ors.	 Applicants
Versus	
The State of Maharashtra	 Respondent

Mr. Priyal G. Sarda, for Applicants.
Ms. S. S. Kaushik, APP for the State/Respondent.
Mr. D. J. Kumbhar, PSI, Barshi Taluka Police station, Solapur,
present.

CORAM :SARANG V. KOTWAL, J.
DATE :23rd SEPTEMBER, 2019

P.C. :

1. The Applicants are seeking their release on bail in connection with C.R.No. 148 of 2019 registered with Barshi Taluka Police Station, Solapur, under sections 143, 147, 148, 326, 324, 504 and 506 r/w. 149 of the Indian Penal Code and U/s.135 of the Maharashtra Police Act.

2. The applicants are arrested on 08/08/2019 and since then they are in custody. Learned APP makes a statement that the investigation is almost over and the charge-sheet will be filed in a few days. The FIR is lodged by one Samadhan Yadav on

10/07/2019. He has stated that on 09/07/2019 at around 9.00p.m. all the applicants and three others came there carrying weapons like stick, sickle, iron rod etc. and they started assaulting informant's group. It is alleged that the applicant Satish assaulted Bharat Yadav with stick. He assaulted Dhanaji, Ramesh and Ram with stick. The main allegation was made against Tanaji who had caused fracture of hand of Ganesh. These statements are supported by the statements of the eye witnesses.

3. I have heard Shri. Priyal Sarda, learned counsel for the applicants and Ms. S. S. Kaushik, learned APP for the State.

4. Shri. Sarda submitted that, none of the applicants is attributed any role causing grievous injuries. He submitted that there is cross FIR lodged against the informant's group by the applicant's group, therefore, it is more clear that the applicants are implicated falsely. Learned APP submitted that the weapons are recovered at the instance of applicant Suresh.

5. I have considered these submissions. In particular, I have perused the injury certificates. Except Ram, who had suffered fracture to his hand, all the injured namely Ganesh, Dhanaji,

Samadhan, Vitthal, Bharat, Ramesh and Minakshi have suffered absolutely minor injuries which were described as simple injuries. Thus, serious roles are not attributed to the present applicants. It is also significant to note that cross FIR is lodged by the applicant's group against the informant's group. Thus, it appears that there was free fight between two groups. Though, ultimately the effect of sharing common object will be decided at the trial, at this stage, for consideration of bail, the role of the present applicants can be separated from those of the other accused. I had mentioned earlier that the applicants are ascribed a very minor role. Applicant Nos.2 and 3 had assaulted only with fist and kick blows and the injuries caused by applicant no.1 are with wooden stick and had caused simple injuries. In this view of the matter, since the investigation is over and the charge-sheet is likely to be filed within a short period, I am inclined to grant bail to the applicants.

6. Hence, the following order :

ORDER

(i) In connection with C.R. No. 148 of 2019

registered with Barshi Taluka Police Station, Solapur, the applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand each Only) with one or two sureties each in the like amount.

- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)