

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

935 BAIL APPLICATION NO.1098 OF 2020

1. PREMSING PANSING PAWAR
 2. PAWANSING (PAWAN) PANSING PAWAR
 3. ARBAL PANSING PAWAR (PAWARA)
 4. GUMAN ONKAR CHAVHAN (PAWARA)
 5. DILWARSING GUMAN CHAVAN (PAWARA)
 6. RAJESH @ RAVINDRA GUMAN (PAWARA)
 7. VIJAY GUMAN CHAVHAN
- VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Choudhari N. L.
APP for Respondent : Mr. V S Badakh

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CORAM : V.K. JADHAV, J.
Dated: October 07, 2020

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PER COURT :-

1. Leave to correct the address of all the applicants.
2. The applicants are seeking bail in connection with crime No.324 of 2020 registered with Shahada police station, Shahada, District Nandurbar for the offences punishable under Sections 307, 323, 324, 504, 452, 427, 143, 146, 147, 148, 149 of IPC. His application bearing Criminal Bail application No.171 of 2020 with similar prayer came to be rejected by the learned

Additional Sessions Judge, Shahada vide order dated 17.9.2020.

2. Learned counsel for the applicants submits that investigation is over and charge-sheet has been submitted. Though, names of the applicants are mentioned in the FIR with the specific role ascribed to each of them, however, the incident had taken place on account of some previous enmity. Informant has not sustained any serious injury. The applicants are available for trial. The applicants are ready to abide the conditions, if imposed by this Court. The applicants may be released on bail.

3. Learned A.P.P. has strongly resisted the application on the ground that there are eye witnesses to the incident and the applicants have not only brake open the door of the house of the informant but also assaulted the informant and his family members. The applicant with the help of deadly weapon caused injuries on the person of injured Sunil Pawra. Prima facie, there is strong case against the applicants. There

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is possibility of tampering with the prosecution evidence. The applicants may not be released on bail.

4. On going through the allegations made in the complaint and on perusal of the charge sheet, though I find names of the applicants are mentioned in the FIR with the specific role ascribed to each of them, however, it appears that the incident had taken place on account of some previous enmity. On perusal of the medico-legal certificate of injured Sunil, it appears that he had sustained CLW on back, head and CLW to head on right side and CLW to right leg. It further appears that after X-ray, fracture found on the upper third fibula. Though, the learned APP has pointed out certain antecedents of the applicant no.1-Premsing Pansing Pawar, however, except one case of the year 2020 under section 354 of the IPC, all other crimes are registered against the applicant way back in the year 2016, 2017. Learned counsel for the applicants submits that out of those four cases, two cases have already been disposed off. So far as other applicants are concerned, there is only one

case under section 354 of the IPC and the same has been filed by the wife of the informant. It further appears that in respect of the incident occurred on 19.5.2020 present applicant Vijay Chavan has lodged the complaint against the informant and others for having committed an offence punishable under section 324, 143, 147, 149 of IPC and on the basis of his complaint, crime bearing no.222 of 2020 came to be registered in the concerned police station. Learned APP submits that stringent condition may be imposed upon the applicant nos.1-Premising Pawar and 7-Vijay Chavan against whom mainly allegations have been made. Hence, in order to avoid tampering of the prosecution evidence restricting entry of applicant nos.1 and 7 in village Shahana till the conclusion of the trial would be just and appropriate. Thus, considering the entire aspects of the case, I am inclined to grant bail to applicants on certain conditions. Hence the following order :-

O R D E R

I. Application is hereby allowed.

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II. Applicants no.1- Premsing Pansing Pawar, 2- Pawansing (Pawan) Pansing Pawar, 3- Arbal Pansing Pawar (Pawara), 4- Guman Onkar Chavhan (Pawara), 5- Dilwarsing Guman Chavhan (Pawara), 6- Rajesh @ Ravindra Guman (Pawara) and 7- Vijay Guman Chavhan in connection with crime No.324 of 2020 registered with Shahada police station, Shahada, Tq. Shahada, District Nandurbar for the offences punishable under Sections 307, 323, 324, 504, 452, 427, 143, 146, 147, 148, 149 of IPC be released on bail on furnishing personal bond of Rs.15,000/- (Rs. Fifteen Thousand) each, with one surety **each** of the like amount on following conditions :-

- a) The applicants shall not tamper with the prosecution evidence in any manner.
- b) The applicant no.1- Premsing Pansing Pawar and applicant no.7- Vijay Guman Chavhan shall not enter within the limits of village Shahana, Tq. Shahada, District Nandurbar till the conclusion of the trial.

III. Application is disposed off.

(V.K. JADHAV, J.)

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