

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

30 BAIL APPLICATION NO.1161 OF 2020

1) ASHOK S/O. HIRAMAN CHABUKSWAR
2) ARUN S/O HIRAMAN CHABUKSWAR
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. Nilesh S. Ghanekar
APP for Respondents: Mr. A.V. Deshmukh
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CORAM : V. K. JADHAV, J.
DATED : 26th OCTOBER, 2020

PER COURT:-

1. The applicants are seeking bail in connection with crime No. 133 of 2020 registered with M.I.D.C. Paithan police station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 269, 270, 188, 143, 147, 148, 149, 504, 506 of I.P.C., under Section 4/27 of Indian Arms Act, under Section 51(b) of Disaster Management Act 2005 and under Section 135 of Maharashtra police Act, 1951. Their bail application bearing 1372 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Aurangabad vide order dated 28.9.2020.

2. Heard both sides.

3. Though I find that the names of the applicants are mentioned in the F.I.R. with specific role attributed to each of them, however, it appears that serious allegations have been made against co-accused Chetan Chabukswar, who is still absconding. It has been

alleged that said co-accused Chetan Chabukswar has given a blow of sword on the abdomen of injured Sanjay Chabukswar.

4. So far as the present applicant Ashok is concerned, it has been alleged that he has given a blow of sword on the back of injured Sanjay Chabukswar. I have carefully perused the injury certificate of Sanjay Chabukswar. So far as injury No.1 is concerned, applicant Ashok is not the author of said injury which is on the abdomen of injured Sanjay, however, the applicant Ashok is the author of injury No.2 which is CLW on the back of injured Sanjay. As per the medico legal certificate, the injury No.2 is caused by hard and sharp weapon and it is grievous in nature.

5. So far as the injury on the person of Subhash is concerned, he has sustained the injury on frontal bone of his head. Learned A.P.P. has vehemently submitted that the injury on the person of Subhash is on frontal bone of head and though it is simple, the injured Subhash has to undergo various examinations.

6. It appears that the incident had taken place on account of civil dispute in respect of the agricultural land. It further appears from the allegations made in the complaint and it has been revealed during the course of investigation that the civil suit was also pending between the parties. There is no criminal history. Injured Subhash and injured Sanjay have been discharged from the hospital. Thus,

by imposing certain conditions, such as restricting the entry of the applicants in the village to avoid the tampering with the prosecution evidence, till the conclusion of trial, I am inclined to release the applicants on bail. Hence the following order:-

O R D E R

- I. Application is hereby allowed.
- II. The applicant No.1) Ashok Hiranman Chabukswar and applicant No.2) Arun Hiranman Chabukswar, in connection with crime No. 133 of 2020 registered with M.I.D.C. Paithan police station, District Aurangabad for the offences punishable under Sections 307, 324, 323, 269, 270, 188, 143, 147, 148, 149, 504, 506 of I.P.C., under Section 4/27 of Indian Arms Act, under Section 51(b) of Disaster Management Act 2005 and under Section 135 of Maharashtra police Act, 1951 be released on bail on furnishing personal bond of Rs.20,000/- each with one solvent 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 Ashok Hiranman Chabukswar and applicant No.2) Arun Hiranman Chabukswar shall not enter within the limits of village Pimpalwadi (where the parties reside), Tq. Paithan, District Aurangabad till conclusion of trial.
- III. Application is disposed of.

(V. K. JADHAV, J.)