

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

930 BAIL APPLICATION NO. 1289 OF 2020

1. DIPAK S/O BARKU KOLI
2. NIVRUTTI @ RAHUL S/O KAILAS KOLI
3. ARJUN @ MUKESH S/O KAILAS KOLI

VERSUS

THE STATE OF MAHARASHTRA

Advocate for Applicants : Mr. Sant Kishor C.

APP for Respondent-State : Mr. N. T. Bhagat

CORAM : V. K. JADHAV, J.

DATED : 03RD DECEMBER, 2020

PER COURT :-

1. The applicants are seeking regular bail in connection with Crime No. 35 of 2020 (FIR No.101/2020) registered with Chopda Rural Police Station, District Jalgaon for the offence punishable under Sections 307, 325, 143, 147, 148, 149, 323, 504, 506 & 188 of IPC and under Section 51(b) of the Disaster Management Act, 2005. Their application with similar prayer below Exhibit 19 in Sessions Case No. 32 of 2020 came to be rejected by the Additional Sessions Judge, Amalner vide order dated 19.10.2020.

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2. Learned counsel for the applicants submits that the investigation is over and the charge sheet has been submitted way back in the month of August, 2020. Learned counsel submits that now the injured is also discharged from the hospital and his statement came to be recorded during investigation. Learned counsel submits that applicant no.1 Dipak is the neighbour and the incident had taken place on account of some trifling reason. There is no criminal history. The applicants are available for trial. They are ready to abide the conditions if imposed by this Court while releasing them on bail. Learned counsel submits that the applicants may be released on bail.

3. Learned APP has strongly resisted the application on the ground that injured Durgesh has sustained grievous injuries in the assault. The applicants and the other co-accused persons extended beating to injured Durgesh with the help of wooden log. *Prima facie* there is strong case against the applicants. There is possibility of tampering of

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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 mentioned in the FIR with a specific role attributed to each of them, however, injured Durgesh is now discharged from the hospital and his statement also came to be recorded during investigation. It further appears that the incident had taken place on account of some trifling reason. The applicants, the informant and the injured are residing in the same locality. It also appears that allegedly the applicants have used wooden log in the assault. There is no criminal history. The applicants have got roots in the society and they are easily available for trial. Thus, considering the entire aspect of the case, I am inclined to release the applicants on bail. Hence, following order.

O R D E R

I. The application is hereby allowed.

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II. The applicants 1. DIPAK S/O BARKU KOLI, 2. NIVRUTTI @ RAHUL S/O KAILAS KOLI and 3. ARJUN @ MUKESH S/O KAILAS KOLI be released on bail in connection with Crime No. 35 of 2020 (FIR No.101/2020) registered with Chopda Rural Police Station, District Jalgaon for the offence punishable under Sections 307, 325, 143, 147, 148, 149, 323, 504, 506 & 188 of IPC and under Section 51(b) of the Disaster Management Act, 2005, on furnishing P.B. of Rs.20,000/- each with one solvent surety each of the like amount on the following conditions :-

a] The applicants shall not tamper with the prosecution evidence in any manner.

b] The applicants shall attend the concerned police station once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m. for a period of three months from the date of this order.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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