

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

939 BAIL APPLICATION NO.1360 OF 2020

DADASAHEB VIKRAM MORE
VERSUS
THE STATE OF MAHARASHTRA

WITH

BAIL APPLICATION NO.1361 OF 2020

1. JAYRAM S/O CHANDU MORE
2. BHARAT S/O NIVRUTTI SALUNKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. S. J. Salunke.
APP for Respondent-State : Mr. N. T. Bhagat

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**CORAM : V. K. JADHAV, J.
DATE : 03.12.2020**

PER COURT :-

1. The applicants in both the applications are seeking regular bail in connection with Crime No.134 of 2020 registered with Bhoom Police Station, District Osmanabad for the offences punishable under Sections 307, 327, 324, 323, 504, 506, 143, 147, 148, 149 of IPC and Section 4, 25 of the Indian Arms Act. Their applications with similar prayer bearing Criminal Bail Application No.211 of 2020 and Criminal

Bail Application No.207 of 2020 came to be rejected by the learned Additional Sessions Judge.

2. The learned counsel for the applicants in both the applications submits that investigation is almost over for all practical purposes and the formality of filing charge-sheet is only remained. The applicants are agriculturists by occupation. There is a civil dispute going on between the parties since 1969 and the incident had taken place on account of the said civil dispute. The learned counsel submits that there was almost a free fight between two groups and as a result of the same, both the groups have lodged the complaints against each other. On the basis of the complaint lodged by applicant Dadasaheb, Crime No.135 of 2020 came to be registered against the members of the other group. The learned counsel submits that the informant and the other injured witnesses have not sustained any serious injuries in the assault. There is no criminal history. Applicants are ready to abide the conditions. The applicants may be released on bail.

3. The learned APP has strongly resisted the application on the ground that the investigation is still going on. Though the

incident had taken place on account of civil dispute between the parties, however, the applicants herein have used the dangerous weapons like sword and sickle in the assault and caused injuries to the informant and the other injured witnesses. There is a possibility of tampering 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 investigation papers, though I find the names of the applicants are mentioned in the FIR with a specific role attributed to each of them, however, it appears that the incident had taken place on account of the longstanding civil dispute between the parties in respect of agricultural land. It also appears that on the day of incident, there was almost a free fight between two groups and as a result thereof, both the groups have lodged the complaints against each other. Though the informant and the other injured witnesses have sustained the injuries as per the Medico Legal Certificate, however, it is not mentioned in those certificates as to whether the injuries are simple or grievous in nature. Even though, the sharp weapons alleged to have been

used in the assault, the injuries on the person of the informant and the other injured witnesses, as observed in the Medico Legal Certificate caused by blunt object except injured witness Reshma, however, the present applicants are not the author of the injuries caused on the person of the injured witness Reshma. The applicant in Bail Application No.1360 of 2020 is in jail in connection with the present crime since 14.10.2020 and the applicants in Bail Application No.1361 of 2020 are detained in jail in connection with the present crime since 11.10.2020. There is no criminal history. Investigation is almost over and the formality of filing of the charge-sheet is only remained. Thus, considering the entire aspect of the case, I am inclined to release the applicants on bail on certain conditions. Hence, I proceed to pass the following order :

ORDER

1. Both the applications are hereby allowed.
2. The applicant DADASAHEB VIKRAM MORE in Bail Application No.1360 of 2020 and applicant No.1 JAYRAM S/O CHANDU MORE, 2. BHARAT S/O NIVRUTTI SALUNKE in Bail Application No.1361 of 2020 in connection with Crime No.134

of 2020 registered with Bhoom Police Station, District Osmanabad for the offences punishable under Sections 307, 327, 324, 323, 504, 506, 143, 147, 148, 149 of IPC and Section 4, 25 of the Indian Arms Act, be released on bail on furnishing P.B. of Rs.15,000/-(Rupees Fifteen Thousand only) each with one surety of the like amount each 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 8.00 to 11.00 a.m. till filing of the charge-sheet.
3. Both the applications are accordingly disposed off.

(V. K. JADHAV, J.)

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vmk/-