

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

**941 BAIL APPLICATION NO.1369 OF 2020**

1. RAHUL RUSTUM KALE

2. VICKY RUSTUM KALE

3. SAGAR RUSTUM KALE

VERSUS

THE STATE OF MAHARASHTRA

WITH

**CRIMINAL APPLICATION NO.2099 OF 2020**

IN BA/1369/2020

GAJANAN S/O. HANVATA PAWAR

VERSUS

RAHUL S/O RUSTUM KALE AND OTHERS

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Advocate for Applicants : Mr. V. A. Bagdiya.

APP for Respondent-State : Mr. A. S. Shinde

Advocate for Informant to assist APP : Mr. S. S. Londhe.

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

**DATE : 03.12.2020**

**PER COURT :-**

1. Heard learned counsel Mr. S. S. Londhe for the applicant in Criminal Application No.2099 of 2020. For the reasons stated in the application, Criminal Application is allowed in terms of prayer clause "B". Criminal application accordingly disposed off.

2. The applicants are seeking regular bail in connection with Crime No.434 of 2020 registered with Hingoli City Police Station, District Hingoli for the offences punishable under Sections 324, 323, 506, 392, 143, 147, 149 of IPC. Their application with similar prayer bearing Misc. Criminal Application No.335 of 2020 came to be rejected by the learned Additional Sessions Judge, Hingoli.

3. The learned counsel for the applicants submits that the investigation is almost over for all practical purposes and the formality of filing charge-sheet is only remained. The learned counsel submits that the applicants allegedly committed the offence punishable under Sections 324, 323, 392 and 149 of the IPC, however, none of the offence as alleged against the applicants is punishable with death or punishment with life. The applicants are in jail in connection with the present crime since 28.10.2020. There is no criminal history. In respect of the incident occurred on the same date, time and place, on the basis of the complaint lodged by Rahul Kale, Crime No.442 of 2020 came to be registered against the present informant Gajanan Pawar and five others for having committed an

offence punishable under Sections 324, 341, 294, 143, 147, 148, 149, 323 of IPC and also 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The applicants are ready to abide any conditions, if released on bail. The applicants may be released on bail.

4. The learned APP assisted by Advocate Mr. S. S. Londhe has strongly resisted the application on the ground that the investigation is still in progress. The name of the applicants are mentioned in the FIR with a specific role attributed to each of them. The applicants may not be released on bail.

5. On going through the allegations made in the complaint and on perusal of the investigation papers, it appears that the investigation is over for all practical purposes and the formality of filing charge-sheet is only remained. It appears that on the basis of the complaint lodged by applicant Rahul, the crime came to be registered against the present informant and five others for having committed an offence punishable under Section 324 of IPC. All the injured witnesses have sustained the simple injuries in the assault. There is no criminal history.

Thus, considering the entire aspect of the case, I am inclined to release the applicants on bail, who are in jail in connection with the present crime since 28.10.2020. Hence, I proceed to pass the following order :

**ORDER**

1. The application is hereby allowed.
2. Applicant No.1. RAHUL RUSTUM KALE, 2. VICKY RUSTUM KALE and 3. SAGAR RUSTUM KALE in connection with Crime No.434 of 2020 registered with Hingoli City Police Station, District Hingoli for the offences punishable under Sections 324, 323, 506, 392, 143, 147, 149 of IPC, 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. Application is accordingly disposed off.

**(V. K. JADHAV, J.)**

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vmk/-