

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 BAIL APPLICATION NO. 1403 OF 2020

1. RAKESH @ SURESH S/O DEVIDAS SAMUDRE
2. RAVINDRA S/O DEVIDAS SAMUDRE
3. DIPAK S/O NARAYAN MARATHE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. P. D. Bachate h/f Mr. D.S. Bagul
APP for Respondent-State : Mr. A. A. Jagatkar

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CORAM : V. K. JADHAV, J.
DATED : 21ST DECEMBER, 2020

PER COURT :-

1. The applicants are seeking regular bail in connection with Crime No. 861 of 2020 registered with Nandurbar City Police Station, Taluka and District Nandurbar for the offence punishable under Sections 307, 324, 452, 323, 504, 269, 270 read with 34 of IPC, Sections 3 and 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2010, Sections 2(b) and 3(A), II of the Epidemic Diseases Act, 1897, Sections 37(1)(c) and 135 of the Maharashtra Police Act and Section 54 of the National

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Disaster Management Act. Their application with similar prayer bearing Criminal Bail Application No. 214 of 2020 came to be rejected by the Sessions Judge, Nandurbar vide order dated 03.11.2020.

2. Heard both sides.

3. Though names of the applicants are not mentioned in the FIR, however, in the supplementary statement of the informant and during the course of investigation, their names came to be revealed as the assailants. It appears from the charge sheet that there was no apparent reason for the applicants to extend beating to the informant, so also injured Manish Shinde. It further appears that there was a mistaken identity. Initially, the applicants inquired with the informant as to whether he is the same truck owner and started extending beating to him. It further appears that because of the said beating, when the informant ran into the hospital where he was working, to take a shelter, all the applicants chased him and then extended beating to one Manish

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Shinde, who was in the hospital as he was Covid positive. It further appears that for no apparent reason these applicants have extended beating to the said witness Manish Shinde. It is true that said Manish Shinde has sustained grievous injuries, however, the applicants were not armed with weapons and it has been alleged that after entering into the hospital, one of the applicants had taken out the stick from the barricades and started beating said Manish Shinde. There is no criminal history. The investigation is over and the charge sheet has been submitted. The applicants are in jail in connection with the present crime since 20.09.2020. Thus, as a matter of punishment, bail cannot be refused to them. The applicants are having a fixed place of residence and they are easily available for trial. I am thus inclined to release the applicants on bail with certain conditions. Hence, following order.

O R D E R

I. The application is hereby allowed.

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II. The applicants 1. RAKESH @ SURESH S/O DEVIDAS SAMUDRE, 2. RAVINDRA S/O DEVIDAS SAMUDRE and 3. DIPAK S/O NARAYAN MARATHE be released on bail in connection with Crime No. 861 of 2020 registered with Nandurbar City Police Station, Taluka and District Nandurbar for the offence punishable under Sections 307, 324, 452, 323, 504, 269, 270 read with 34 of IPC, Sections 3 and 4 of the Maharashtra Medicare Service Persons and Medicare Service Institutions (Prevention of Violence and Damage or Loss of Property) Act, 2010, Sections 2(b) and 3(A),II of the Epidemic Diseases Act, 1897, Sections 37(1) (c) and 135 of the Maharashtra Police Act and Section 54 of the National Disaster Management Act, on furnishing PB. of Rs.15,000/- each with one surety of the like amount on the condition that the applicants shall not tamper with the prosecution evidence in any manner.

III. Application is accordingly disposed of.

(V. K. JADHAV, J.)

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