

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 BAIL APPLICATION NO.1420 OF 2020
WITH APPLN/2293/2020 IN BA/1420/2020

1. Aashis @ Ashish Parasram Mane
 2. Neetin Bhanudas Tone
 3. Hanumant Kisan Yeole
 4. Pradeep Tukaram Shinde
- ...Applicants

versus

The State of Maharashtra

...Respondent

.....
Advocate for Applicants : Mr. S.J. Salunke
APP for Respondents: Mr. A.S. Shinde
Advocate to assist the A.P.P. : Mr. B.S. Choure
.....

CORAM : V. K. JADHAV, J.
DATED : 15th DECEMBER, 2020

PER COURT:-

1. Heard. For the reasons stated in criminal application No. 2293 of 2020, the same is allowed in terms of prayer clause "B" and disposed of.

2. The applicant is seeking bail in connection with crime No. 245 of 2020 registered with Majalgaon (Rural) police station, District Beed for the offences punishable under Sections 307, 365, 327, 341, 342, 323, 504, 506, 143, 147, of I.P.C. Their criminal application bearing No. 382 of 2020 with similar prayer came to be rejected by the learned Additional Sessions Judge, Majalgaon vide order dated 09.11.2020.

3. Learned counsel for the applicant submits that though the names of the applicants are mentioned in the F.I.R. with specific role attributed to each of them, however, it is not explained in the F.I.R. that these applicants hailing from Ghogaon, Tq. Palus, District Sangli had come to village Gavhanthadi, Tq. Majalgaon, District Beed and extended beatings to the informant as detailed in the F.I.R. Learned counsel submits that this might be pertains to supply of labour to the sugar factory and substantial amount is obtained by the informant from the applicants as an advance for supply of labour. Learned counsel submits that the informant has not sustained any serious injury in the so called assault. The applicants are in jail in connection with the present crime since 25.10.2020. The investigation is over for all practical purposes and the formality of filing charge sheet is only remained. Learned counsel submits that except the bare statement of the informant pertaining to abduction and beatings, there is no eye witness to the said incident. There is no criminal history. The applicants have their roots in the society. They are easily available for trial. The applicants are ready to abide the conditions, if any, imposed by this Court while releasing them on bail. The applicants may be released on bail.

4. Learned A.P.P. assisted by Mr. Choure, learned counsel, has strongly resisted the application on the ground that the investigation is still in progress. Learned A.P.P. submits that the informant was ruthlessly beaten by the applicants and informant was not only

abducted by them but taken to various places. The applicants have extended beatings to the informant at those places. The informant has sustained near about 12 injuries on his person. During the course of investigation mobile handset of the informant came to be recovered at the instance of the applicant Ashish. 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, though I find the names of the applicants are mentioned in the F.I.R. with specific role attributed to each of them, however, it appears that the allegations have been made in such a manner prima facie that entire incident appears to be concocted. According to the informant, he was extended the beatings and thereafter the applicants offered him drinking water and asked him to wash his clothes. The informant alleged that after drinking the water the applicants again extended beatings to him. It has also stated in the F.I.R. that the applicants took the informant in one private hospital at Akhuj and under threats the informant has disclosed to the doctor that he has been sustained injuries in vehicular accident. It is further case of the informant that after the discharge from the said private hospital, he was again subjected to beatings. It is not clear from the F.I.R. nor it has been revealed during the course of investigation as to why the informant was subjected to such ruthless beatings and inhuman treatment. I have carefully perused the medico legal certificate of the informant. The

informant has sustained 12 injuries on his person. All the injuries are simple in nature. There is no criminal history. The applicants have roots in the society. They are easily available for trial. Thus, by imposing certain conditions I am inclined to grant bail to applicants. Hence the following order:-

O R D E R

- I. Application is hereby allowed.
- II. The applicant Nos. (1) Aashis @ Ashish Parasram Mane, (2) Neetin Bhanudas Tone, (3) Hanumant Kisan Yeole and (4) Pradeep Tukaram Shinde, in connection with crime No. 245 of 2020 registered with Majalgaon (Rural) police station, District Beed for the offences punishable under Sections 307, 365, 327, 341, 342, 323, 504, 506, 143, 147, of I.P.C. be released on bail on furnishing personal bond of Rs.15,000/- each with one surety each of the like amount on 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 a.m. to 11.00 a.m. till filing of charge sheet.
- III. Application is disposed of.

(V. K. JADHAV, J.)