

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO.145 OF 2021

BALU @ BALASAHEB ANGUL BANSODE

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. M.S. Karad, Advocate for applicant

Mr. S.Y. Mahajan, APP for respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 26th FEBRUARY, 2021.

ORDER :

1 Present applicant came to be arrested on 10.01.2021 in connection with Crime No.165/2020 by Anand Nagar Police Station, Osmanabad, for the offence punishable under Section 307, 327, 143, 147, 148, 149 of the Indian Penal Code, under Section 11 of the Maharashtra Covid-19 Rules, 2020 and under Section 135 of the Maharashtra Police Act, 1951. Present application has been filed by him under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. M.S. Karad for the applicant and learned APP Mr. S.Y. Mahajan for the respondent. In order to cut short, it can

be said that they have argued in support of their respective contentions. In addition, the learned Advocate appearing for the applicant has pointed out that accused No.2 Sushant @ Lalya Prasad Bansode has been released on regular bail by this Court on 15.10.2020, and therefore, on the ground of parity also the applicant is seeking bail.

3 Information has been lodged by one Limbraj Apparao Dukre on 14.06.2020 stating that when he was in Shivaji Chowk at about 7.00 p.m. on 13.06.2020 and he was looking towards the statue of Chhatrapati Shivaji Maharaj, at that time, the present applicant and six co-accused came on motorcycles. They were having enmity against the informant. Present applicant had tried to run over the motorcycle over his person and thereafter Lalya Bansode tried to assault him with sword in his hand to eliminate him. He raised his left hand and as a result of which the blow of the sword hit his left arm in middle. Accused Gopya had snatched his gold chain weighing 6 tolas and he was abused in the name of caste and threatened. After people started gathering, the accused persons fled away. Thus, it is to be noted that the role attributed to the present applicant is that he had tried to run over the person of the informant. It is not explained, as to what was the dispute between the applicant, co-accused and the informant. It will not be out of place to mention here that the present First Information Report, in which the

applicant has been arrested, came to be lodged at 01.14 hours on 14.06.2020 and just prior to that i.e. at 01.05 hours on 14.06.2020 one Suraj Bhagwat Bokefode had lodged the report against the present informant Limbraj Dukre. Said Suraj Bokefode is the co-accused of the present applicant and that offence is also registered against the informant under Section 307, 143, 147, 148, 149, 349, 188 of the Indian Penal Code, under Section 135 of the Maharashtra Police Act, Section 11 of Maharashtra Covid-19 Rules, 2020, under Section 3(1)(r)(4) and 4(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The assault by sword is by co-accused Lalya, who has been granted bail by this Court and it is specifically observed that the injuries, those have been sustained by the Limbraj, are simple in nature. Therefore, on the ground of parity also he deserves bail. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Balu @ Balasaheb Angul Bansode, who has been arrested, in connection with Crime No.165/2020 registered with Anand Nagar Police Station, Osmanabad, Tq. & Dist. Osmanabad, for the offence punishable under Section 307, 327, 143, 147, 148, 149 of the Indian Penal Code, under Section 11 of Maharashtra Covid-19 Regulations, 2020 and

under Section 135 of the Maharashtra Police Act, 1951, be released on P.R. and S.B. of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3 The applicant shall not tamper with the evidence of the prosecution, in any manner.

4 He shall not indulge in any criminal activity.

5 He shall attend the Anand Nagar Police Station, Osmanabad, once in a week i.e. on every Sunday between 08.00 a.m. to 11.00 a.m., till filing of charge sheet. So also he should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

agd