

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

923 BAIL APPLICATION NO.207 OF 2021

AJAY RAJENDRA LAHOT

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. Dhanraj Ingole, Advocate h/f Mr. N.S. Ghanekar, Advocate for the
applicant

Mr. S.B. Narwade, APP for the respondent

...

WITH

923 BAIL APPLICATION NO.185 OF 2021

VISHAL PRATAP RIDLON

VERSUS

THE STATE OF MAHARASHTRA

...

Mr. A.K. Bhosale, Advocate for the applicant

Mr. S.B. Narwade, APP for the respondent

...

CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 02nd MARCH, 2021.

PER COURT :

No.8/2021 dated 08.01.2021 registered with Vedant Nagar Police Station, Aurangabad, for the offence punishable under Section 307, 341 read with Section 34 of the Indian Penal Code. Present applications have been filed under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mr. Dhanraj Ingole holding for learned Advocate Mr. N.S. Ghanekar and learned Advocate Mr. A.K. Bhosale for applicants and learned APP Mr. S.B. Narwade for the respondent/State. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 Perusal of the First Information Report lodged by one Bunty Raju Chavriya would show that the incident is alleged to have taken place at about 10.15 p.m. on 07.01.2021 in the gate of a marriage hall. It appears that he had gone there to attend marriage ceremony. The father-in-law of his brother was along with him and he states that when he and the father-in-law of his brother were in the parking to take the motorcycle at about 10.15 p.m., his road was obstructed by one Manish Lahot. After altercation, said Manish Lahot had assaulted the informant by kick blows. He then states that three unidentified persons came there; one had assaulted him on his chest by rod and another by weapon like knife. That blow had received by him near his right eye and one more blow was given from back side on his head. When he

fell down, one more person had given him fist on his nose. They were saying that he would be eliminated. Thereafter, the elder brother of the informant and other witnesses came out and the assailants fled away. Thus, it is to be noted from the contents of the First Information Report that it is alleged that the incident had taken place in front of a marriage hall, when the marriage activities were going on inside. Still it appears that he intended to say that such things had happened. Perusal of the Medico Legal Certificate issued by UNITED CIIGMA HOSPITAL would show that he was examined at 02.04 a.m. on 08.01.2021. When the incident had taken place at 10.15 p.m., then why he should have been admitted at 2.00 a.m., is a question. When, out of the three injuries, one injury i.e. lacerated wound on the right maxillary region is stated to be grievous, the other two injuries i.e. lacerated wound on the occipital region and contusion on the right hand are simple in nature. C.T. scan of face shows fracture of maxilla with nasal bone. However, it is to be noted that history has not been mentioned. It appears that there is separate sheet given, which is styled as "Police Information", in which it is stated that he was assaulted by 10-12 persons. Statements of witnesses would show that the father-in-law of the brother of the informant though states about the incident, yet, he appears to be not knowing the assailants. Statement of the brother of the informant recorded on 09.01.2021 states that after hearing noise when he went out, at that time, Manish was assaulting the informant

and then one Devraj Lahot had assaulted informant by iron rod on his chest and leg. Accused Vishal Ridlon and Ajay Lahot had also assaulted. Similar statement is also made by one Sonu Chavriya, Sahil Gagat. Even if we take the statements of these persons as it is, it can be seen that they have not stated that the present applicants had used any weapons. At the most, provisions under Section 323 of the Indian Penal Code would be independently applicable to them. It would be for the prosecution to prove that they had common intention with Manish Lahot for committing offence punishable under Section 307 of the Indian Penal Code.

4 Taking into consideration the substantial investigation is over in respect of role played by the present applicants, they deserve to be released on bail, however, with stringent conditions. Hence, following order.

ORDER

1 Both applications stand allowed.

2 Applicants viz. Ajay Rajendra Lahot and Vishal Pratap Ridlon, who has been arrested, in connection with Crime No.8/2021 dated 08.01.2021 registered with Vedant Nagar Police Station, Aurangabad, for the offence punishable under Section 307, 341 read with Section 34 of the Indian Penal Code, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand

only) each with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only).

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

4 They shall not indulge in any criminal activity.

5 They shall attend the Vedant Nagar Police Station, Aurangabad, thrice in a week i.e. on every Monday, Wednesday and Friday between 08.00 a.m. to 11.00 a.m., till filing of charge sheet. So also they 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.)

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