

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

BAIL APPLICATION NO.357 OF 2021

Suresh S/o Gulab Bhil (Shemle)

...APPLICANT

VERSUS

The State of Maharashtra

...RESPONDENT

...
Shri Amol Gandhi Advocate h/f. Shri Afzal Husain M. Vakil
Advocate for Applicant.
Shri S.D. Ghayal, A.P.P. for Respondent-State.
...

CORAM: M.G. SEWLIKAR, J.

DATE : 17th NOVEMBER, 2021

ORDER :

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicant on bail in connection with Crime No.408 of 2020 registered with Shahada Police Station, Shahada, District-Nandurbar, for the offences punishable under Sections 302, 307, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. Learned counsel Shri Gandhi for the applicant submits that the allegations against the applicant and other accused are that they assaulted the informant and his wife by stick. It is alleged in the first information report that accused Bhavsing Bhil assaulted the deceased Baysing Bhil by iron rod. He submits that allegations in the first information report are that the applicant and other accused also assaulted Dinesh Dilip Padvi, Pintya Jailsing Bhil, Akash Baysing Bhil and others. He submits that in the assault by iron rod, deceased Baysing Bhil died on 27th August, 2020.

3. From the submissions of learned counsel Shri Gandhi for the applicant and from the first information report and the investigation papers, it appears that the deceased was assaulted by accused Bhavsing Bhil. The role ascribed to the present applicant is that he assaulted the informant on his head, hands and legs by the stick. Injury certificate is produced on record, which shows that the informant sustained injuries on head. Injury certificate shows that there were seven stitches. Nothing is placed on record that the informant was hospitalized.

4. It further appears from the submissions of learned APP Shri Ghayal that no further complications in the general condition of the informant are reported. In this view of the matter, there is no possibility of conversion of offence into more serious one. Charge-sheet is filed. Applicant does not have criminal antecedents.

5. Learned APP submits that the applicant belongs to Nomadic Tribe. Learned APP further submits that the investigating officer has expressed apprehension that the applicant may go outside the limits of the police station, Shahada, therefore, some restrictions may be imposed on the applicant.

6. In this view of the matter, since charge-sheet is filed and applicant will be available for trial, I am inclined to release the applicant on bail. Hence the following order:

ORDER

- i) Application is allowed.
- ii) Applicant be released on bail on his furnishing PR Bond of Rs.25,000/- (Rupees

Twenty Five Thousand) with one solvent surety in the like amount, in connection with Crime No.408 of 2020 registered with Shahada Police Station, Shahada, District-Nandurbar, for the offences punishable under Sections 302, 307, 324, 504, 506 read with Section 34 of the Indian Penal Code and on condition that he shall report to the police station, Shahada on every Sunday between 12.00 noon and 2.00 p.m., and if he is required to leave the territorial limits of the police station, Shahada, he shall intimate the police station, Shahada 24 hours before he intends to leave the police station.

iii) Bail Application is disposed of.

iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M.G. SEWLIKAR, J.]