

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

955 BAIL APPLICATION NO.876 OF 2021

1. Manik s/o Babasaheb Murkute
Age : 38 yrs, Occ. Agri.
r/o Khadewadi, Tq. Majalgaon,
Dist. Beed
 2. Vinayak s/o Babasaheb Murkute
Age : 52 yrs, Occ. Agri.
r/o As above.
 3. Ashok s/o Sitaram Munde
Age : 40 yrs, Occ. Agri.
r/o Koyal, Tq. Dharur, Dist. Beed
 4. Mahadeo s/o Ashruba Tidke
Age : 43 years, Occ. Agril
r/o Bhogalwadi, Tq. Dharur,
Dist. Beed.
 5. Dhanraj s/o Damodar Munde
Age : 28 years, Occ. Agri.
r/o Pahadi Pargaon,
Tq. Dharur, Dist. Beed.
- ... APPLICANTS

VERSUS

The State of Maharashtra
Through P.I. Police Station,
Sirsala, Dist. Beed.

... RESPONDENTS

Shri. Rajendra G. Hange, Advocate for the applicants
Shri. S. P. Sonpawale, APP for the respondent/State
Shri. A. V. Lavte, Advocate for Assist to PP.

CORAM : M. G. SEWLIKAR, J.

DATED : 7th September, 2021

PER COURT :-

1. Heard.

2. FIR is lodged by Kantabai Damodhar Tidke against the applicants alleging therein that on 27th June, 2021 applicants came to her house with sticks, axe and accused No. 1 said to her son by the name of Shivaji as to why her son Shivaji had gone to Karnatak to bring Dhanraj Janardan Tidke. One Laxman Babruwan Munde, applicant No.1, applicant No. 2 held her, applicant No. 3 delivered a blow of axe on the head of Shivaji, when the informant came out of the house she was assaulted on her shin by means of an axe. Her another son Dadasaheb and her daughter-in-laws Ashabai and Janabai were also assaulted by applicant No. 5, one Dadasaheb Munde by means of stick. When her nephew by the name of Ramprabhu Janardhan Tidke came to their rescue he was also assaulted by the applicants. On these allegations offence under Sections 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code came to be registered.

3. Learned counsel Shri. Hange for the applicants submitted that almost entire investigation is complete. All the weapons have been recovered. Statements of the witnesses have been recorded. Only the formality of filing charge-sheet is left. He submitted that all the injured have been discharged from the hospital rather they were even not admitted in the hospital. None of them had sustained any serious injury on any of the vital part of their body. He submitted that one of the injured had sustained injury to his wrist which was a grievous injury. He submitted that for the above reasons applicants be enlarged on bail.

4. Learned APP Shri. Sonpawale for the State submitted that two injured had suffered injuries on head. Therefore, Section 307 of the Indian Penal Code is clearly attracted. If they are released on bail they are likely to commit similar offence again. They, therefore, should not be released on bail.

5. During the incident Shivaji Damodhar Tidke,

Aashabai Shivaji Tidke, Ramprbhou Janardhan Tidke, Kantabai Damodhar Tidke, Dadasaheb Damodhar Tidke are the injured. None of them sustained any grievous injury on their vital part of the body. Ramprabhu Tidke sustained a fracture to his wrist. Medical certificates produced by the learned APP show that the injured were not even admitted in the hospital but they were discharged after clinical examination and after giving them primary aid. In this view of the matter and more particularly applicants have no criminal antecedents, they have roots in the society and not likely to flee from justice and not likely to tamper the prosecution evidence, I am inclined to release the applicants on bail. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No. 116 of 2021 under Section 307, 326, 324, 143, 147, 148, 149 of the Indian Penal Code registered

with Sirsala Police Station, Dist. Beed and on condition that they shall not pressurise the witnesses, shall not tamper with the prosecution evidence and shall attend the concerned police station as and when required by the Investigation Officer to do so and on condition that the applicants shall not enter the village limits of Khadewadi till the conclusion of trial and shall not in any way keep any contact with the applicant or his family members till the conclusion of trial.

3. Breach of any of the conditions shall entitle the State to apply for cancellation of bail.

4. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp