

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

**905 BAIL APPLICATION NO. 923 OF 2021**

**SUBHASH S/O UTTAM DUDHE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA**

Shri. S. J. Salunke, Advocate for the applicants  
Shri. D. S. Jape, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.**

**DATED : 25<sup>th</sup> August, 2021**

**PER COURT :-**

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing applicants on bail.
2. Allegations in the FIR against applicants are that applicants were demanding access from the field of the informant/injured. When injured refused to do so applicants assaulted him by means of an axe and caused injury on his head. His sister-in-law was also assaulted by the applicants. She sustained injury on the rear portion of ear. She was referred to Government Civil Hospital, Aurangabad.
3. Offence under Sections 324, 307, 141, 147, 148,

149, 323, 504, 506 read with Section 34 of the Indian Penal Code vide C.R. No. 91 of 2021 came to be registered against the applicants.

4. Heard Shri. Salunke, learned counsel for the applicants and Smt. Jape, learned APP for the respondent/State.

5. It appears that injured Putalabai has sustained simple injury on head. She was stated to be unconscious. On making query with the learned APP as to whether the injured underwent surgery on head, she answered that injured Putalabai did not undergo any surgery. It further appears that both the injured i.e. informant and Putalabai have been discharged from the hospital and no further complications have been reported. There is no possibility of conversion of offence into a serious one. Weapons have been recovered. Therefore, it appears that except formality of filing charge-sheet entire investigation is completed. There are no criminal antecedents against the applicants. Applicants will be available for trial and not likely to flee from justice.

6. Learned APP Smt. Jape states that injured Putalabai is discharged from the hospital but she had again consulted private hospital on 27<sup>th</sup> July, 2021 and 6<sup>th</sup> August, 2021 complaining of mild headache and vertigo respectively. There are no serious complications resulting into more serious offence. In view of this, I am inclined to release the applicants on bail on condition that they shall not enter village till the framing of charge. In the light of above, following order is passed.

#### **ORDER**

. Applicant Nos. 1 to 7 be released on bail on their furnishing PR bond of Rs. 50,000/- (Rupees Fifty thousand only) each with one solvent surety in the like amount in connection with CR No. 91 of 2021 under Sections 324, 307, 141, 147, 148, 149, 323, 504, 506 read with Section 34 of the Indian Penal Code and on condition that they shall not enter village till the framing of charge.

**[M. G. SEWLIKAR, J.]**

ssp