

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

34 BAIL APPLICATION NO.1173 OF 2021

1. Keshav S/o. Kisan Shinde,
Age : 45 years, Occupation : Labour,
R/o. Pirbawda, Tq. Phulambri,
Dist. Aurangabad
 2. Nandulal S/o Kisan Shinde,
Age : 50 years, Occupation : Labour,
R/o. Pirbawda, Tq. Phulambri,
Dist. Aurangabad
- ... APPLICANTS
(Orig. Accused No. 1 and 2)

VERSUS

The State of Maharashtra
Through Wadodh Bazar Police Station,
Tq. Phulambri, Dist. Aurangabad. ... RESPONDENT

Shri. R. V. Gore, Advocate for the applicant
Shri. N. T. Bhagat, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 15th NOVEMBER, 2021**

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection with Crime No. 89 of 2021 registered with Wadod Bazar Police Station, Tq. Phulambri, District Aurangabad for the offences punishable under Sections 307,

326, 324, 323, 143, 147, 149, 269, 188, 504, 506 read with Section 34 of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Section 51B of Disaster Management Act, 2005.

2. Allegations against the applicants are that applicants and the informant have a civil dispute pending in Civil Court with respect to Gat No. 413. On account of this, it is alleged that applicant Nos. 1 and 2 assaulted the informant by means of axe. This incident took place on 1st May, 2021.

3. Offence registered against the applicants is under Section 307 of the Indian Penal Code. Charge-sheet is filed. Papers annexed with charge-sheet show that the informant himself went to the hospital. He had suffered dislocation of shoulder bone. He had injury on head which was simple in nature.

4. The informant is discharged from the hospital.

Learned APP also does not dispute this position. Charge-sheet is filed. Since informant is discharged, there is no possibility of conversion of the offence into a more serious one. In this view of the matter and since trial is not likely to be commenced in near future on account of pandemic situation created due to Covid-19, I am inclined to release the applicants on bail. Applicants have no criminal antecedents. This is their first offence. They are not likely to flee from justice as they own agricultural land. In this view of the matter, following order is passed.

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. 89 of 2021 under Sections 307, 326, 324, 323, 143, 147, 149, 269, 188, 504, 506 read with Section 34 of the Indian Penal Code, under Section 135 of the Maharashtra Police Act and under Section 51B of Disaster Management Act, 2005. registered with Wadod

Bazar Police Station, Tq. Phulambri, Dist. Aurangabad.

3. Application is disposed of.

4. 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.]

ssp