

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

**BAIL APPLICATION NO.1279 OF 2021**

- 1) Umesh Sobji Gavit,
- 2) Vijay @ Vijya Ramesh Gavit,
- 3) Jignesh @ Jiga Vasu Gavit,
- 4) Dinesh Dava Padvi,
- 5) Raju Vasu Vasave,
- 6) Sandip Jaywant Gavit

**...APPLICANTS**

**VERSUS**

The State of Maharashtra

**...RESPONDENT**

...  
Shri Ruchir S. Wani Advocate for Applicants.  
Shri S.D. Ghayal, A.P.P. for Respondent-State.  
...

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

**DATE : 17<sup>th</sup> NOVEMBER, 2021**

**ORDER :**

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. 410 of 2021 registered with Visarwadi Police Station, Taluka-Nawapur, District-Nandurbar for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 294, 504, 506 of the Indian Penal Code and under Sections 37(1) (3) and 135 of the Maharashtra Police Act.

2. It is alleged in the first information report that on 23<sup>rd</sup> September 2021 at 3.00 p.m. the informant along with his friend Rajesh had gone to a market and while they were returning along with edibles, the applicants were present in front of Fashion Adda Gents Wear shop. At that time accused Rajpal Gavit picked up chilly powder from Chinese shop and threw it into the eyes of Rajesh Gavit. Applicant Umesh was instigating his associates. Accused Rajpal assaulted Rajesh by means of knife and delivered a blow of knife on left hand of Rajesh and beat him with kicks and fist blows. Accused Pruthviraj assaulted Rajesh by means of iron pipe, accused Yuvraj, Anish, Devidas also assaulted Rajesh. When the informant went to the rescue of Rajesh, he was also assaulted.

3. Heard Shri Wani, learned counsel for the applicants and Shri Ghayal, learned APP for the State. Shri Wani submits that from the tenor of the first information report it is evident that no

injury was caused on the vital part of the body of Rajesh. He submits that entire investigation is complete. Only the formality of filing charge-sheet seems to have been remained.

4. Learned APP submits that applicant Umesh has played major role in the incident. He was instigating his associates to assault Rajesh Gavit, the injured. He submits that a fracture was caused to Rajesh on account of injury to his arm. He submits that applicant No. 1 – Umesh has several cases registered against him, details of which are as under:-

A) Crime No.51 of 2002 registered with Visarwadi Police Station, for the offences punishable under Sections 324, 504, 506, 427 of the Indian Penal Code,

B) Crime No.25 of 2004 registered with Visarwadi Police Station, for the offence punishable under Section 385 of the Indian Penal Code,

C ) Crime No.103 of 2017 registered with Visarwadi Police Station, for the offences punishable under Sections 324, 504, 506, 427 read with Section 34 of the Indian Penal Code.

5. Learned counsel Shri Wani, on instructions, makes a statement at Bar that in Crime Nos. 51 of 2002 and 25 of 2004,

applicant No.1 - Umesh has been acquitted. He makes a statement at Bar that he had checked on-line status of Crime No.103 of 2017. He submits that applicant has been acquitted from this offence also and he is ready to produce copy of the judgment also.

6. In this view of the matter, having regard to the submissions of learned counsel Shri Wani, it is clear that applicant No.1 - Umesh has been acquitted of all the offences which were registered against him prior to filing of this offence. So far as role of applicant No.1 - Umesh is concerned, he did not assault anyone but he instigated the other accused. So far as applicant Nos. 2 to 6 are concerned, they assaulted Rajesh with kicks and fist blows. It appears that there is no injury on any vital part of the body of Rajesh. In this view of the matter, I am inclined to release the applicants on bail. The applicants will be available for the trial. Hence the following order is passed:

### **ORDER**

- i) Bail Application is allowed.

ii) Each of the applicants be released on bail on their furnishing P.R. Bond of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount, in connection with Crime No. 410 of 2021 registered with Visarwadi Police Station, Taluka-Nawapur, District-Nandurbar for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 294, 504, 506 of the Indian Penal Code and under Sections 37(1) (3) and 135 of the Maharashtra Police Act and on condition that they shall not influence the witnesses, they shall not pressurize the witnesses and shall not interfere in the investigation, and on condition that they shall attend concerned police station on every Wednesday between 12.00 noon and 4.00 p.m. till filing of the charge-sheet.

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.]**