

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

40 BAIL APPLICATION NO.1295 OF 2021

1. Shrimant s/o Uttam Pawar
Age : 29 years, Occupation : Agri.,
R/o. Nagzari Tanda, :Post – Devthana,
Tq. Dharur, Dist. Beed
2. Uttam s/o Gema Pawar
Age : 70 years, Occupation : Agri.,
R/o. Nagzari Tanda, :Post – Devthana,
Tq. Dharur, Dist. Beed
3. Abhishek s/o Rajebhau Pawar
Age : 18 years, Occupation : Agri.,
R/o. Nagzari Tanda, :Post – Devthana,
Tq. Dharur, Dist. Beed

... APPLICANTS
(Accused no. 2, 3 and
4 as show in FIR)

VERSUS

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

... RESPONDENT

Smt. A. V. Kulkarni, Advocate h/f Shri. S. J. Salunke,
Advocate for the applicants
Shri. V. M. Kagne, 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. 168 of 2021 registered with Shirsala Police Station, District Beed for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504 of the Indian Penal Code.

2. It is alleged in the FIR that on 23rd September, 2021 father of the informant was assaulted by accused Rajebhau Pawar, applicant No. 1 Shrimant Uttam Pawar and applicant No. 2 Uttam Gema Pawar on the count that informant did not return Rs. 50,000/- taken by informant from the applicants. Accused Rajebhau Pawar dealt a blow of stick on the head of father of the informant. Applicant No. 2 delivered a blow of an axe on the head of the father of the informant. When the informant tried to rescue his father, he was assaulted by applicant No.2 by means of an axe. Informant was also assaulted by accused Abhishek Rajebhau Pawar (applicant No. 3). On these allegations FIR came to be lodged on 23rd September, 2021.

3. Heard Smt. A. V. Kulkarni, learned counsel h/f

Shri. S. J. Salunke, learned counsel for the applicants and
Shri. V. M. Kagne, learned APP for the respondent/State.

4. From the allegations in the FIR it does not appear that any of the applicants was admitted in the hospital. Learned APP Shri. Kagne has produced medical certificates of all the three injured. Informant Sunil Rathod sustained simple injuries on head and chest. His father also sustained simple injuries. So also his mother Bhagubai sustained simple injuries. Police papers forwarded by learned APP Shri. Kagne do not show that any of the injured was admitted in the hospital. Investigation is almost complete. Only the formality of presenting charge-sheet seems to have been left. Having regard to nature of injuries and the fact that applicants do not have criminal antecedents and they are not likely to flee from justice, 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. 25,000/- (Rupees Twenty five Thousand only) with one solvent surety in the like amount in connection with CR No. 168 of 2021 under Sections 307, 324, 323, 143, 147, 148, 149, 504 of the Indian Penal Code registered with Shirsala Police Station, District Beed and on condition that they shall not interfere in the investigation and shall attend the concerned Police Station on every Wednesday between 10 a.m. and 4 p.m. till filing of the charge-sheet.

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