

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

**924 BAIL APPLICATION NO.1573 OF 2020**

**VIKAS SANTOSH UCHALE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

...

Mrs. Sabahat T. Kazi, Advocate for applicant

Mrs. D.S. Jape, APP for respondent

...

**WITH**

**BAIL APPLICATION NO.1571 OF 2020**

**CHANDRAKANT VASANT UCHALE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

...

Mrs. Sabahat T. Kazi, Advocate for applicant

Mrs. D.S. Jape, APP for respondent

...

**WITH**

**BAIL APPLICATION NO.1572 OF 2020**

**GOLU @ NITISH GANESH UCHALE**

**VERSUS**

**THE STATE OF MAHARASHTRA**

...

Mrs. Sabahat T. Kazi, Advocate for applicant

Mrs. D.S. Jape, APP for respondent

...

**CORAM : SMT. VIBHA KANKANWADI, J.**

**DATE : 14<sup>th</sup> JANUARY, 2021.**

**PER COURT :**

1 Present applicants have been arrested in connection with Crime No.227/2020 dated 21.11.2020 registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under Section 307, 143, 147, 148, 149, 325, 323, 504, 506 of the Indian Penal Code. They have filed present applications for bail under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mrs. Shabahat T. Kazi for applicants and learned APP Mrs. D.S. Jape for respondent/State.

3 It has been vehemently submitted on behalf of the respective applicants that the perusal of the First Information Report would show that the incident had occurred on 19.11.2020 at about 6.45 p.m., however, the FIR has been lodged on 21.11.2020. There is delay in lodging the FIR, so also, it can be seen that the applicants and the informant are distantly related and their relations are strained. There was some trifle incident that had

taken place on 15.11.2020 and then the informant states that he made inquiry with applicant Chandrakant as to who would pay the compensation and thereafter there was altercation between them. No specific role is attributed to Chandrakant as well as Golu @ Nitish. The applicants are in jail since 23.11.2020 and 22.11.2020 respectively. Substantial part of the investigation is over, and therefore, further physical custody of the applicants is not required. She canvassed for bail to all the applicants.

4 Per contra, the learned APP strongly opposed the application and submitted that though there might be some trifle incident; yet, it has resulted in severe injuries to the informant and family members. Applicant Vikas had assaulted cousin of the informant Shubham with the help of base ball stick and the situs chosen was head, and therefore, the further physical custody of the applicants is required. There is strong evidence against all the applicants.

5 At the outset, it is to be noted that perusal of the FIR would show that no role is attributed to applicant Chandrakant. It is stated that he has only asked, as to who would pay the compensation. Further, as regards applicant Golu @ Nitish is concerned, it is stated that he came along with other accused persons and all those persons, who later on came, were armed with iron rod, baseball stick and wooden sticks. His further contention in the FIR states that Golu had assaulted Mahendra on his left hand with the help of

base ball stick. Though, as per the FIR on the day it was given, Mahendra was still under treatment; yet, it is to be noted that the assault by Golu was on left hand and it cannot attribute Section 307 of the Indian Penal Code against him. Same is the case as regards Vikas. Though it is stated that he had assaulted Shubham with the baseball stick on his head, yet, the medical papers show that he has suffered simple injury. Therefore, taking into consideration the contents of the FIR and the police papers, it can be seen that Section 307 of the Indian Penal Code will not be attracted against the present applicants for their alleged acts. The concerned Trial Court to take a cause whether invoking Section 307 read along with Section 149 of the Indian Penal Code against the present applicants. It also appears that the substantial part of the investigation is over. It will take much time to stand their trial, and therefore, the present applicants are entitled to be released on bail. Hence, following order.

### **ORDER**

- 1 All the applications are allowed.
- 2 Applicants viz. Vikas Santosh Uchale, Chandrakant Vasant Uchale and Golu @ Nitish Ganesh Uchale, arrested in connection with Crime No.227/2020 dated 21.11.2020 registered with Dhule City Police Station,

Dist. Dhule, for the offence punishable under Section 307, 143, 147, 148, 149, 325, 323, 504, 506 of the Indian Penal Code, be released on PR. of Rs.30,000/- (Rupees Thirty Thousand only) with two sureties of Rs.15,000/- (Rupees Fifteen Thousand only) each.

3           The applicants shall not tamper with the evidence of prosecution, in any manner.

4           They shall not indulge in any criminal activity.

5           Compliance under Para 12 (1) to 12 (6) of Chapter 1 of Criminal Manual be made before the Trial Court.

6           Bail before Trial Court.

**( Smt. Vibha Kankanwadi, J. )**

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