

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

926 BAIL APPLICATION NO.1319 OF 2021

1. Chakradhar S/o Chatrapati Kharate
Age : 26 Years, Occu : Labour,
2. Shivaji S/o. Pandurang Kharate
Age : 30 Years, Occu : Labour,
All Above R/o Kavta, Tq. Vasmata,
Dist. Hingoli. ... APPLICANTS

VERSUS

The State of Maharashtra
Through Basmat Rural Police Station
Tq., Dist. Hingoli. ... RESPONDENT

Shri. G. K. Naik Thigle, Advocate for the applicants
Shri. N. T. Bhagat, APP for the respondent/State

**CORAM : M. G. SEWLIKAR, J.
DATED : 25th 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. 191 of 2021 registered with Basmath Rural Police Station, Hingoli for the offences punishable under Sections 307, 323, 326 and 34 of the Indian Penal Code.

2. The allegations against the applicants are that on 06th September, 2021 three persons came to the informant and demanded Rs. 100/- for drinking liquor. Informant refused to give it. Thereupon all the three persons assaulted him. One of them assaulted the informant in the abdomen and another one on back. Accordingly on registration of FIR offence as aforesaid came to be registered.

3. Heard Shri. Thigle, learned counsel for the applicant and learned APP Shri. Bhagat for the respondent/State.

4. Learned counsel Shri. Thigle submits that there is no evidence connecting the applicant with the offence. Except knife no recovery is effected from the applicant.

5. Learned APP submits that recovery of knife is made from the applicant. During interrogation of another offence, involvement of the applicant in the present offence has been revealed. He submits that offence is serious in

nature. One of the injured i.e. Shivaji Jadhav had sustained two grievous injuries. Therefore, applicant cannot be released on bail.

6. There is delay of two days in lodging the FIR for which no explanation is forthcoming. Injuries sustained by the injured Shivaji Jadhav are grievous in nature. Another witness has simple injuries. Identification parade is still not held, therefore, simply on the basis of recovery of knife more particularly in the absence of forensic laboratory report at this stage it cannot be said that the applicant was involved in the commission of the offence. Applicant does not have criminal antecedents. There is nothing on record to show that if he is released on bail he will abscond. Thus, he will be available for trial. In this view of the matter, I am inclined to release the applicant 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. 50,000/- (Rupees Fifty only) with

one solvent surety in the like amount in connection with CR No. 191 of 2021 under Sections 307, 323, 326 and 34 of the Indian Penal Code registered with Basmath Rural Police Station, Hingoli.

3. 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.

4. Application is disposed of.

[M. G. SEWLIKAR, J.]

ssp