

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 1288 OF 2021

1. Ashok Durgyappa Shriram

2. Vijay Ashok Shriram Applicants

Versus

The State of Maharashtra Respondent

Mr. Vikrant V. Phatate, for the applicants.

Mr. S.H. Yadav, APP for the State/Respondent.

**CORAM: SARANG V. KOTWAL, J.
DATE : 23rd JUNE, 2021
(Through Video Conferencing)**

P.C. :

1. The applicants are seeking their release on bail in connection with C.R.No. 1432 of 2020 registered at Sadar Bazar Police Station, Solpaur, under sections 143, 144, 147, 148, 149, 307, 323, 504, 506 read with Section 34 of the Indian Penal Code, under sections 135, 37(1), 37(3) of the Maharashtra Police Act and under Section 4 of the Indian Arms Act.

2. Heard Mr. Vikrant Phatate, learned counsel for the applicant and Mr. S.H. Yadav, learned APP for the State.

3. The FIR was lodged by one Vishal Shriram. He has narrated the incident dated 02/11/2020. The incident started when the informant's brother Suresh objected to applicant No. 1 Ashok consuming liquor near their area. He also told the applicant No. 1 that the applicant No. 2 was unnecessarily causing trouble to him. He should control the applicant No. 2. The applicant No. 1 got annoyed. After some time, the applicants and others including Durga Anna Reddy, Basu Anna Reddy, Rohit Basu Anna Reddy, Rahul Basu Anna Reddy etc. came there with iron rods, sickle and sticks. Durga Anna Reddy and Basu Anna Reddy started abusing and assaulting Suresh with fists and kicks. It is alleged that the applicant No. 2 then gave a blow with sickle on the back side of Suresh's head. The applicant No.2 also

started giving blows to Suresh with iron rod on his hands and legs. Rohit gave blows with sickle on Suresh's hands and legs. Rahul did likewise. One Basu Anna Reddy gave a blow with sickle on Suresh's right leg. After that, all the assailants ran away. Suresh was taken to a hospital. Thereafter this FIR was lodged.

4. Learned Counsel for the applicant submitted that, the offence has not escalated to higher degree. This Court (Coram: Smt. Sadhana S. Jadhav J.) had granted bail to one co-accused Basu @ Basappa Sunkappa Annareddy who is attributed role of giving blows on Suresh's leg with sickle. He submitted that applicants' role is not very different and they should be released on bail by applying parity.

5. Learned APP submitted that the offence is serious and the applicants deserve no sympathy.

6. I have considered these submissions. With the

assistance of both learned Counsel, I have perused the charge-sheet. It contains statements of eye witnesses Sanjit Mungali and Prashuram Mungali . They have narrated the incident in the same fashion as mentioned in the FIR. Injury certificate show that injured Suresh had suffered injuries to right radius, left palm and of left leg. There was fracture of hand.

7. Though there are grievous injuries to hands and legs, there doesn't appear to be life threatening injury. In any case, the injured has survived and the offence has not escalated to a higher degree. This Court (Coram: Smt. Sadhana S. Jadhav J.) as mentioned earlier, had granted bail to co-accused Basu @ Basappa Sunkappa Annareddy in Bail Application No. 1379 of 2021. Therefore, on the grounds of parity the applicants also deserve to be released on bail. The applicant No. 2 is young boy of 18 years of age. In this view of the matter, both the applicants can be granted bail.

8. Hence the following order.

ORDER

- (i) In connection with C.R. No. 1432 of 2020 registered at Sadar Bazar Police Station, Solpaur, the Applicants are directed to be released on bail on their furnishing PR bonds in the sum of Rs.30,000/- each (Rupees Thirty Thousand Only) with one or two sureties each in the like amount.
- (ii) The application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)