

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

**913 BAIL APPLICATION NO.101 OF 2022
WITH APPLN/646/2022 IN BA/101/2022**

1. Gopal Lalsingh Girase,
2. Jaypal (Jaypalsing) Lalsingh Girase

VERSUS

The State of Maharashtra

Shri. Dhananjay B. Thoke, Advocate for the applicants
Shri. S. B. Narwade, APP for the respondent/State
Shri. A. R. Sayed, Advocate for the informant

**CORAM : M. G. SEWLIKAR, J.
DATED : 10th March, 2022**

PER COURT :-

1. By this application applicants are seeking their enlargement on bail in connection with Crime No. 0123 of 2021 registered with Dondaicha Police Station, District Dhule for the offences punishable under Sections 307, 326, 323, 504 read with Section 34 of the Indian Penal Code.

2. Facts in brief are that on 24th September, 2021 at 06.00 a.m. the informant was on his way to the public toilet. At that time applicant Nos. 1, 2 and accused Lalsingh assaulted him with kicks and fist blows and they assaulted him by means of a

rod on his head, both hands and on his leg. He was shifted to the hospital. On these allegations FIR came to be registered under aforesaid sections.

3. Heard Shri. Thoke, learned counsel for the applicants, Shri. Narwade, learned APP for the respondent/State and Shri. A. R. Sayed, learned counsel for the informant assisting APP.

4. Charge-sheet is not filed. Investigation papers show that the informant had fracture of radius ulna, CLW over temporal region with soft tissue swelling and CLW over left tibia. Except injury to radius ulna all the other two injuries are simple in nature.

5. Learned counsel Shri. Sayyad for the informant submits that applicant is bed ridden. To counter this submission learned counsel Shri. Thoke submits that the informant has filed application for intervention and has sworn an affidavit at Aurangabad. This shows that the submission made by the learned counsel Shri. Sayyad that the informant is bed ridden is factually incorrect. It appears that the informant had sustained

injury on radius ulna. In this view of the matter, since injury doesn't seem to be on vital part of the body, I am inclined to release the applicants on bail. Learned counsel Shri. Thoke submits that applicants will stay out of Taluka Shindkheda till the conclusion of trial. Hence the order.

ORDER

1. Application is allowed.
2. Each of the applicants be released on bail on their furnishing PR bond of Rs. 30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount in connection with CR No. 0123 of 2021 under Sections 307, 326, 323, 504 read with Section 34 of the Indian Penal Code registered with Dondaicha Police Station, District Dhule, on condition that they shall not pressurize the witnesses, shall not interfere in the investigation and shall attend the concerned Police Station on every Wednesday between 12.00 p.m. and 04.00 p.m. and shall stay out of the Taluka Shindkheda, District Dhule till the conclusion of trial except attending the Police Station and attending the dates fixed during the trial.
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.
5. Pending application, if any, stands disposed of.

[M. G. SEWLIKAR, J.]

ssp