

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

924 BAIL APPLICATION NO.209 OF 2022

SANJAY NIVRUTTI DUDHAWADE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. K.N. Shermale
APP for Respondents/State : Mr. S.B. Narwade

...

BAIL APPLICATION NO.229 OF 2022

RAJU SURESH KHANDAGALE
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Y.H. Pathade h/f. Ajay Kanawade
APP for Respondents/State : Mr. S.B. Narwade

...

CORAM : M.G. SEWLIKAR, J.
DATE : 1st March, 2022

PC.:-

Both the applications are being disposed of by common order as they arise out of the same crime.

2. It is the prosecution case that while patrolling on 21st July, 2021 at 3.30 am, patrolling party saw five persons driving on two motorcycles. When they were signaled to stop they attempted to run away, the police party started chasing them. Those people started pelting stones. One of them

assaulted the police by means of a sattur (a sharp weapon used for cutting tree). A scuffle ensued between those people and the police party. Because of the call made by the police party, some people came there. All these persons were arrested except one who managed to escape. The name of one of them was Sanjay Dudhawade. On taking search police party found sattur, chilli powder, aksa blade, knife and also a rod. Accordingly, FIR came to be lodged under Section 307, 399, 353, 402 of the I.P.C. and under Section 4/25 of the Arms Act vide Crime no.178/2021.

3. Heard Shri Shermale learned counsel for the applicant in application no.209 of 2022, Shri Y.H. Pathade h/f. Ajay Kanawade learned counsel for the applicant in application no.229/2022 and Shri Narwade learned APP for the State.

4. Charge-sheet is filed. Therefore, further detention of the applicants does not seem to be necessary. Medical certificate is produced. It shows that the informant injured had only abrasion. Learned APP Shri Narwade submits that dangerous weapon have been recovered from the possession of the applicants. They were about to commit dacoity. Therefore, they should not be released on bail.

5. Considering the nature of injuries and the weapon recovered form

the applicants, I am inclined to release the applicants on bail. Offence is not punishable with death or imprisonment for life. It is punishable with imprisonment for ten years. Applicants are behind the bars since 21st July, 2021. Having regard to this, I am inclined to release the applicants on bail. Hence the following order is passed:

ORDER

- I) Both the bail applications are allowed.
- II) Each of the applicants be released on PR bond of Rs.15,000/- with one solvent surety in the like amount each, in connection with Crime No.178/2021 under Section 307, 399, 353, 402 of the I.P.C. and under Section 4/25 of the Arms Act with Ghargaon Police Station, District Ahmednagar on condition that they shall not tamper the prosecution evidence and shall attend the concerned police station on every Sunday between 12 and 4.00 pm.

[M.G. SEWLIKAR, J.]