

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

923 BAIL APPLICATION NO.232 OF 2022

Bharat S/o Ramesh Kshirsagar @ Shirsagar
Age: 19 years, Occu.: Student,
R/o.Bhatti Gully, Basmatnagar,
Basmatnagar, Dist.Hingoli.

..Applicant

VERSUS

The State of Maharashtra
Through Kurunda Police Station,
Tq. Dist.Hingoli.

..Respondent

...
Advocate for Applicant : Shri A.B.Lokhande h./f.
Shri Girish K. Naik - Thigle
APP for Respondent : Shri V.S.Badakh

...
CORAM : M.G.SEWLIKAR, J.

DATE: 3rd March, 2022

PER COURT :-

1. Heard.
2. The informant is running a medical store. His paternal aunt by the name of Rukhamabai Deshmukh had filed a civil suit against the accused Pradeep Shivaji Shinde and his father Shivaji Vithal Shinde. On that count, Pradeep had assaulted informant many a times.
3. On 2nd January 2022 at 06:00 p.m., the informant received a call from Vyankatesh Shinde (friend of the informant) that informant should shut the medical store and should go home.

When the informant was about to close the medical store, accused Pradeep came there. He was accompanied by the applicant and one unknown person. Accused Pradeep pelted a stone on the head of the informant, which hit him on the back side of the head. Accused Pradeep assaulted the informant by means of a knife. Two-three blows of accused Pradeep by knife were ward-off by the informant. However, he sustained injury. On the arrival of his friends, accused Pradeep, applicant and unknown person fled from the spot. On these allegations, report came to be lodged on the basis of which Crime No.0003 of 2022, came to be registered with Kurunda Police Station, District Hingoli, under Sections 307 read with Section 34 of the Indian Penal Code.

4. Shri A.B.Lokhande, learned counsel holding for Shri G.K.Naik-Thigle, learned counsel for the applicant submits that the applicant had no role to play in the alleged incident. The act of assault on the informant is attributed to accused Pradeep.

5. Shri V.S.Badakh, learned APP for the respondent also does not dispute this position.

6. In view of what is stated herein above, it is axiomatic that the entire role is attributed to accused Pradeep. He assaulted

the informant by means of a stone and a knife. The applicant had no role in the alleged assault except remaining present there. Two criminal cases are registered against the applicant; one under Section 307 of the Indian Penal Code (IPC) and another under Section 326 of the IPC. However, it has no relevance as in the case at hand there is no *prima facie* case against the applicant. In view of this, I am inclined to release the applicant on bail. Hence, the order :-

ORDER

- i) Bail Application is allowed.
- ii) Applicant be released on P.R.Bond of Rs.40,000/- (Rs. Forty thousand only) with one solvent surety in the like amount, in connection with Crime No.0003 of 2022, registered with Kurunda Police Station, Dist.Hingoli, under Section 307 read with Section 34 of the Indian Penal Code and on condition that he shall not enter Taluka Vasmat till the conclusion of the trial.
- iii) Bail Application is disposed of.
- iv) It is clarified that the observations made in this 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.

**(M.G.SEWLIKAR)
JUDGE**