

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

**931 BAIL APPLICATION NO.256 OF 2022
WITH APPLN/661/2022 IN BA/256/2022**

1. Sandeep s/o Satish Jaiswal
Age: 34 years, Occu.: Business,
R/o. Court Road, Ambad,
Tq.Ambad, Dist.Jalna.
 2. Arjun s/o Sukhdeo Lohakare
(Named as Bhaulal Lohakare in FIR)
Age: 32 years, Occu.; Business,
Both R/o Dhangar Mohalla,
Holkar Nagar, Ambad, Tq.Ambad,
Dist.Jalna.
- ..Applicants
(Accused No.2 & 3
as shown in FIR)

VERSUS

- . The State of Maharashtra
Through Police Station,
Ambad, Dist.Jalna.
- ..Respondent

...
Advocate for Applicants : Shri Sudarshan J. Salunke
APP for Respondent : Shri V.S.Badakh
Advocate for Applicant in Criminal Application No.661 of 2022 :
Smt.Soni Sandeep Jaiswal (Party in person)

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

DATE: 3rd March, 2022

PER COURT :-

1. Heard.
2. It is alleged in the FIR that on 15th January, 2022,
informant, his brother Santosh Gaikwad and Kanta Thoke left

their Garage and reached Kulkarni Petrol Pump. In the premises of Petrol Pump, a Bolero Jeep came there. applicant No.1 - Sandeep Jaiswal, applicant No.2 - Bhaulal Lohakare and other accused came there. They were armed with iron rod, wooden rod and accused Deepak Korade was armed with a sword. All of them launched attack on the informant and his two brothers. applicant No.1 - Sandeep delivered a blow of iron rod on the head of the informant. Other accused beat him on his back with wooden rod. Injured Santosh Gaikwad was assaulted by applicant No.2 - Bhaulal Lohakare and Sandeep Lohakare on head. Kanta Thoke was also assaulted by the applicant No.2 - Bhaulal and others. by means of a rod. On these allegations, FIR was lodged on the basis of which Crime No.0042 of 2022, came to be registered with Ambad Police Station, District Jalna, under Sections 307, 326, 143, 147, 148, 323 of the Indian Penal Code and under Sections 4, 27 of the Arms Act.

3. Shri S.J.Salunke, learned counsel for the applicants submits that injury certificates show that the informant, Santosh Gaikwad and Kanta Thoke sustained simple injuries. He submits that no complications are reported in their health condition. Therefore, there is no possibility of conversion of offence into a more serious one. He, therefore, sought release of the applicants on

bail.

4. Shri V.S.Badakh, learned APP for the respondent submits that criminal cases are pending against applicant No.1 - Sandeep Satish Jaiswal. While on bail, he committed this offence. Therefore, he may not be released on bail. So far as applicant No.2 is concerned, he submits that there are serious allegations against him. He should also not be released on bail.

5. When this Court expressed its disinclination to grant bail to applicant No.1, Shri Salunke, learned counsel for the applicant, on instructions, sought permission to withdraw the application to the extent of applicant No.1 with liberty to approach the concerned Court for bail after filing of charge-sheet.

Permission granted with liberty as prayed.

6. So far as applicant No.2 is concerned, he is alleged to have assaulted on the head of Santosh Gaikwad. The investigation papers show that he assaulted Kanta Thoke on head. The investigation papers contain injury certificates of Kanta Thoke, Sandeep Kharat and Santosh Gaikwad. All the three have simple injuries. Learned APP for the respondent-State submits that no complications in their health condition are reported. Therefore,

there is no possibility of conversion of offence into a more serious one. I am, therefore, inclined to release applicant No.2 on bail. Hence, the order :

ORDER

- i) Bail Application is partly allowed.
- ii) Application of applicant No.1 is disposed of as withdrawn with liberty to approach the concerned Court for bail after filing of charge-sheet.
- iii) Applicant No.2 – Arjun Sukhdeo Lohakare (named as Bhaulal Lohakare in FIR) be released on P.R.Bond of Rs.25,000/- (Rs.Twenty-five thousand only) with one solvent surety in the like amount, in connection with Crime No.0042 of 2022, registered with Ambad Police Station, Dist.Jalna, under Sections 307, 326, 143, 147, 148, 323 of the Indian Penal Code and under Sections 4, 27 of the Arms Act, and on condition that he shall not interfere in the investigation, he shall not pressurize the witnesses and he shall attend the concerned Police Station on every Thursday between 11:00 a.m. and 04:00 p.m. till filing of the charge-sheet.
- iv) Bail Application is disposed of.
- v) Criminal Application filed for assist to Public Prosecutor is allowed and disposed of.

vi) 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

SPT