

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO. 321 OF 2022

1. Vinod S/o Tukaram Wagh
 2. Yogesh S/o Tukaram Wagh
- Applicants

Versus

The State of Maharashtra

Respondent

Mr. N. S. Ghanekar, Advocate for the applicants.
Mr. S. B. Narwade, APP for respondent/State.
Mr. M. S. Taur, Advocate for the informant.

CORAM : M.G. Sewlikar, J.
DATE : 1st APRIL, 2022.

PER COURT :

1. By this application, the applicants are seeking their enlargement on bail in connection with Crime No. 0489/2021 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under Sections 307, 324, 326, 143, 147, 323, 504, 506 read with Section 34 of the Indian Penal Code.

2. Facts in nutshell are that applicants and other accused assaulted the informant and her family members on the ground as to why the brother of the informant had brought the bullock cart from the disputed way. It is alleged that the applicant and other accused started beating the elder brother of the husband of the informant by

the name of Kailas Bhagwat Pandhare and sister-in-law Ashabai Bhika Pandhare. Accused Aba Tukaram Wagh delivered a blow of stick on the head of Kailas Pandhare. Husband of the informant by the name of Sunil Pandhare was assaulted by Ahilyabai by means of a wooden rod. Ashabai was assaulted by Swati Vinod Wagh and Jijabai Ravindra Wagh by kicks and fist blows. Informant and her mother-in-law by the name of Rakhmabai were also assaulted by the applicant and other accused. On these allegations, First Information Report came to be lodged.

3. Heard Shri Ghanekar, learned counsel for the applicants, Shri Narwade, learned APP for the State and Shri Taur, learned counsel for the informant.

4. Learned counsel Shri Ghanekar submits that no role is ascribed to the applicants during commission of the offence. He submits that the entire investigation is almost complete. Only formality of presenting charge-sheet remains. He submits that all the injured witnesses sustained simple injuries. Only witness Kailas Bhagwat Pandhare has sustained grievous injury, but none of the

applicants is the author of that injury. It was caused by accused Aba Tukaram Wagh.

5. Shri Narwade, learned APP and Shri Taur, learned counsel for the informant submit that injured Bhika sustained grievous injury and the C.T. Scan report shows that he had sustained serious injury. Same is the case with witness Sunil Bhagwat Pandhare. They submit that witness Kailas Bhagwat Pandhare sustained grievous injury on right fronto-parietal region. C.T. Scan report shows that witness Kailas Bhagwat Pandhare sustained extra-axial biconvex hyper dense opacity with fracture. They submit that witnesses by name Arti and Kailas Pandhare and Swapnil Pandhare attribute role of assaulting Bhika and Sunil to the applicants. They submit that applicants have caused grievous injuries to witness Kailas Baghwat Pandhare.

6. On perusal of the investigation papers, it is seen that investigation is almost complete. Weapons have been recovered from the accused persons. It is alleged in the First Information Report that accused Aba Wagh delivered a blow of stick on the head of witness Kailas Bhagwat Pandhare. Injury certificate and C.T. Scan

report show that witness Kailas Bhagwat Pandhare sustained grievous injuries. However, accused Aba Wagh is not an applicant in this application. Vague statement is made so far as applicant Yogesh Wagh is concerned that applicant Yogesh along with accused Aba Wagh, Ravindra and other accused started beating witnesses Kailas Bhagwat Pandhare and Ashabai Bhika Pandhare. As indicated earlier, Bhika Pandhare has sustained injuries on occipetal region and head. Medical Officer opined that it is a grievous injury. However, C.T. Scan report shows that bony calvaria and soft tissues appear normal. Same is the case with witness Sunil Bhagwat Pandhare. His bony calvaria and soft tissues appear normal in C.T. Scan report. So far as applicant Vinod is concerned, the other witnesses have attributed role to applicant Vinod. However, he has not caused any grievous injury to any of the injured witnesses. In the case of Sushila Aggarwal vs. State of (NCT of Delhi) reported in (2020) 5 SCC 1, the Hon'ble Supreme Court has held that while considering an application for bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence and likelihood of fleeing from justice. Nothing is brought on record to show that the applicants have criminal antecedents. Therefore, they

are not likely to repeat the similar offence. They are not likely to flee from justice. In this view of the matter, I am inclined to release the applicants on bail. Hence the following order :-

ORDER

- i) Application is allowed.
- ii) Each of the applicants be released on PR Bond of Rs.25,000/- (Rs. Twenty Five Thousand) with one solvent surety each in the like amount in connection with Crime No. 0489/2021 registered with Pahur Police Station, Dist. Jalgaon, for the offences punishable under Sections 307, 324, 326, 143, 147, 323, 504, 506 read with Section 34 of the Indian Penal Code, on condition that they shall attend the concerned police station on every Thursday between 10.00 am and 4.00 pm till filing of the charge-sheet and they shall not enter village Jambhul, Tq. Jamner, Dist. Jalgaon, till conclusion of the trial.
- iii) Application stands disposed of.
- iv) 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.

(M. G. SEWLIKAR)
Judge

dyb

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 993 OF 2022 IN
BAIL APPLICATION NO. 321 OF 2022

Bharti W/o Sunil Pandhare

Applicant

Versus

The State of Maharashtra & others

Respondents

Mr. M. S. Taur, Advocate for the applicant.

Mr. S. B. Narwade, APP for respondent/State.

Mr. N. S. Ghanekar, Advocate for respondents No. 2 and 3.

CORAM : M.G. Sewlikar, J.

DATE : 1st APRIL, 2022.

PER COURT :

Application is allowed and stands disposed of.

(M. G. SEWLIKAR)
Judge

dyb