

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 322 OF 2022

Ganesh S/o Shaharam Shinde Applicant

Versus

The State of Maharashtra Respondent

Mr. A. B. Jagtap, Advocate for the applicant.
Mr. S. B. Narwade, APP for respondent/State.

WITH
BAIL APPLICATION NO. 262 OF 2022

Nilesh Vithal Manjre Applicant

Versus

The State of Maharashtra Respondents

Mr. R. J. Nirmal, Advocate for the applicant.
Mr. S. B. Narwade, APP for the State.

CORAM : M.G. Sewlikar, J.

DATE : 8th MARCH, 2022.

PER COURT :

1. Heard.

2. It is alleged that applicant Nilesh demanded Rs.200/-
from the informant for drinking liquor. When informant refused to

pay, applicant Nilesh assaulted him with iron rod on his head, chest and both the hands. Applicant Ganesh picked up a bottle and assaulted the informant on his right ear. He again picked up a stone and assaulted the informant on his face and chin. On these allegations, First Information Report came to be lodged.

3. Heard Shri Jagtap, learned counsel for the applicant in Bail Application No. 322/2022 and Shri Nirmal, learned counsel for applicant in Bail Application No. 262/2022 and Shri Narwade, learned APP for the State.

4. Learned counsel for the applicants submit that the informant has given detailed account of the incident in the First Information Report. However, while recording statement under Section 164 of the Code of Criminal Procedure, he did not give details of the incident. They further submit that the informant has vaguely mentioned that applicants Nilesh and Ganesh assaulted him with stick and iron rod and that applicant Nilesh beat him with stone. Learned counsel for the applicants further submit that if the applicants are released on bail, they shall not enter Ahmednagar district till the conclusion of the trial.

5. Learned APP Shri Narwade submits that the offence is serious in nature. Informant sustained injury on head and ribs. Therefore, the applicants may not be released on bail.

6. On perusal of the charge-sheet, it is seen that in the statement under Section 164 of the Code of Criminal Procedure, the informant has stated that both the applicants demanded Rs.200/- from him for drinking liquor. They got annoyed as he refused to pay money. Both of them assaulted him by stick and iron rod. He sustained fracture because of the beating. He did not give details as to who caused injury to ribs and who caused injury to other parts of the body.

7. Considering the vague statement and the fact that the informant is discharged from the hospital and no further complications are reported, I am inclined to release the applicants on bail. Hence the following order :-

ORDER

- i) Both the applications are allowed.

ii) Each of the applicants be released on PR Bond of Rs.50,000/- (Rs. Fifty Thousand) with one solvent surety each in the like amount in connection with Crime No. 0653/2021 registered with Newasa Police Station, Dist. Ahmednagar, for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, on condition that they shall not tamper the prosecution evidence and they shall not enter Ahmednagar District till the conclusion of the trial.

iii) Both the applications stand disposed of.

iv) It is clarified that the observations made in this order are restricted to disposal of these applications only and the trial Court shall not get influenced by the same and can come to its independent conclusion during the trial.

(M. G. SEWLIKAR)
Judge