

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 342 OF 2022

Shri Venkat Nanarao Ashte

Applicant

Versus

The State of Maharashtra

Respondent

Mr. A. C. Sisodiya, Advocate holding for Mr. A. B Girase, Advocate for the applicant.

Mr. G. O. Wattamwar, APP for respondent/State.

CORAM : M.G. Sewlikar, J.

DATE : 1st APRIL, 2022.

PER COURT :

1. Heard.

2. Informant Sandip Abhangrao Markad is working as a labour on Kawale Petrol Pump. On 20th January, 2022, at 9.00 pm, applicant Vyankat along with Ishwar Kukude arrived there on their two wheeler of HF Deluxe company. They parked the vehicle on wrong side and were asking the informant to pour petrol into the tank. Informant requested them to come in the queue. Both of them i.e. applicant Vyankat and accused Ishwar Kukude abused the

informant and another worker Sudhir Kokane. Accused Ishwar Kukude slapped Sudhir Kokane. Thereafter, he called his friends from the village. Thereupon, accused Rahul Kukude, Dnyaneshwar Kukude, Bajirao Kukude and Bablu Mutle came there. Accused Rahul beat the informant with kicks and fist blows. Accused Dnyaneshwar Kukude beat Sudhir Kokane on his chest. Accused Bajirao Kukude assaulted the informant by means of a cement block on his head. Accused Bablu assaulted Sudhir Kokane by means of a hunter. On these allegations, First Information Report came to be lodged vide Crime No. 0010/2022 with Kasar Shirshi Police Station, District Latur, for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act.

3. Shri Sisodiya, learned counsel holding for Shri Girase, learned counsel for the applicant submits that applicant has no role to play in the alleged offence. No role is ascribed to the applicant nor any overt act is attributed to the applicant. He, therefore, seeks release of the applicant on bail.

4. Learned APP Shri Wattamwar submits that informant Sandip Markad sustained grievous injury. Charge-sheet is yet not filed. Therefore, applicant may not be released on bail.

5. Perused the investigation papers. It appears that investigation is almost complete except the formality of presenting charge-sheet. Statements of all the witnesses are recorded. The sword is yet to be recovered as the accused from whom it is to be recovered is absconding. It reveals from perusal of investigation papers that injury certificates are seized. Injury certificate of informant Sandip Markad shows that he sustained grievous injury. However, applicant is not the author of said injury. It was caused by accused Ishwar Kukude. No overt act is attributed to the applicant. Nothing is to be recovered from him. Applicant has no criminal antecedents. He is not likely to flee from justice. Therefore, considering the role of the applicant, I am inclined to release the applicant on bail. Hence the following order :-

ORDER

- i) Application is allowed.

ii) Applicant be released on PR Bond of Rs.20,000/- (Rs. Twenty Thousand) with one solvent surety in the like amount in connection with Crime No. Crime No. 0010/2022 registered with Kasar Shirshi Police Station, District Latur, for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 147, 148, 149 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, on condition that he shall not interfere in the investigation, shall not pressurise the witnesses and shall attend the concerned police station on every Tuesday between 12.00 noon and 4.00 pm till filing of the charge-sheet.

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