

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

BAIL APPLICATION NO.421 OF 2022

1. Kishor s/o. Dilip Patil .. Applicants
Age.28 years, Occ. Agriculture,
R/o. Wadala, Tql. & Dist. Osmanabad.
2. Akash s/o. Shivaji Kamte
Age. 27 years, Occ. Agriculture,
R/o. Dharur, Tal. & Dist. Osmanabad.
3. Sujit s/o. Baburao Mundhe,
Age.24 years, Occ. Agriculture,
R/o. Utmi Kayapur, Tal. & Dist. Osmanabad.

Versus

The State of Maharashtra .. Respondent
Through Police Inspector
Bembli Police Station,
Dist. Osmanabad.

Mr.A.D. Sonkawade h/f. Mr. S.M. Gaikwad, Advocate for the applicants.
Mr.S.B. Narwade, APP for the respondent/State.

CORAM : SMT. VIBHA KANKANWADI, J.
RESERVED ON : 21.04.2022
PRONOUNCED ON : 04.05.2022

ORDER :-

01. Applicant Nos.1 to 3 came to be arrested on 13.02.2022 in connection with Crime No.19 of 2022 by Bembali Police Station, Dist.Osmanabad for the offences punishable under sections 326, 324, 323,

452, 143, 147, 148, 149, 506 of the Indian Penal Code.

02. Heard Mr. A.D. Sonkawade, learned Advocate for the applicants and Mr.S.B. Narwade, learned APP for the respondent/State. In order to cut-short, it can be stated that both of them have vehemently made submissions in support of their respective contentions.

03. The FIR has been lodged by one Shashikant Wamanrao Khatke on 06.02.2022 in respect of incident alleged to have taken place on 05.02.2022, at about 07=00 p.m. He has stated that he had given deposition against applicant No.1 in an incident which had taken place in 2018. So also his brother had lodged a complaint application on 01.02.2022 with Chief Executive Officer, Osmanabad in respect of alleged misdeeds in the Grampanchayat. Because of all these acts, the Sarpanch and Up-sarpanch were annoyed with him. When he was in his house at about 07=00 p.m. on 05.02.2022 along with his wife, sister-in-law and nephew, at that time all seven accused persons illegally entered the house and started asking as to why he had given deposition against relative of applicant No.1 in the Court. He gave blow of *katti* (sharp weapon) near the left ear and told that he will not

be spared. Applicant No.3 gave blows of stick on his left hand and applicant No.2 assaulted him by stone on his left rib. Other co-accused also assaulted him with iron pipe, stick etc. When wife and sister-in-law of the informant tried to intervene, they were also assaulted.

04. It appears that substantial part of the investigation is over. The statements of witnesses are therefore required to be considered which are on the same line. However, the medico-legal certificate of the informant would show that he had sustained four injuries, three out of them are simple in nature and one is grievous. The grievous injury is fracture to 5th, 6th and 7th rib on the left side. It is stated that it would have been caused by hard and blunt object. That injury is attributable to applicant No.2 and it is stated to have been caused by stone. As regards other injuries are concerned by *katti* and stick, they are simple in nature. The wife and sister-in-law of the informant have sustained simple injuries. Therefore, taking into consideration all these aspects, the applicants deserve to be released on bail under section 439 of the Cr.P.C. It would take long time to stand their trial and the offences are triable before the Judicial Magistrate, First Class. Hence, following order :-

ORDER

- i) The application is allowed.
- ii) Applicant Nos.(1) Kishor s/o. Dilip Patil (2) Akash s/o. Shivaji Kamte and (3) Sujit s/o. Baburao Mundhe, who have been arrested in connection with Crime No.19 of 2022 registered with Bembali Police Station, Dist. Osmanabad, for the offences punishable under sections 326, 324, 323, 452, 143, 147, 148, 149, 506 of the Indian Penal Code, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand) each.
- iii) The applicants shall not indulge in any criminal activity nor shall tamper with the prosecution evidence, in any manner.
- iv) The applicants shall remain present before the Investigating Officer on every Monday between 10=00 a.m. to 02=00 p.m. till filing of the charge-sheet and shall co-operate with the investigation.
- v) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]