

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.430 OF 2022

Atish Bhausahab More	... Applicant
Versus	
The State of Maharashtra	... Respondent

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WITH
CRIMINAL APPLICATION NO.1262 OF 2022
IN BA/430/2022

Shubham Vinayak Mangate	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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WITH
BAIL APPLICATION NO.384 OF 2022

Shaikh Badsha Shaikh Baba	... Applicant
Versus	
The State of Maharashtra	... Respondent

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WITH
CRIMINAL APPLICATION NO.1264 OF 2022
IN BA/384/2022

Shubham Vinayak Mangate	... Applicant
Versus	
The State of Maharashtra and another	... Respondents

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Mr. A. K. Bhosle, Advocate for applicant in BA No.430 of 2022.
Mr. B. G. Londhe, Advocate for applicant in BA No.384 of 2022.
Mr. D. S. Kale, Advocate for applicant in Criminal Application Nos.1262/2022 and 1264/2022.
Mr. A. A. Jagatkar, APP for the respondents – State in all the matters.

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 06.05.2022

ORDER :-

. Applicants have been arrested on 06.02.2022 in connection with Crime No.47 of 2022 registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 148, 149 of Indian Penal Code and under Section 135 of the Maharashtra Police Act. He has filed present application under Section 439 of the Code of Criminal Procedure.

2. Heard learned Advocate Mr. A. K. Bhosle for the applicant in BA No.430 of 2022, learned Advocate Mr. B. G. Londhe for the applicant in BA No.1262 of 2022 and learned APP Mr. A. A. Jagatkar for the respondents – State in both the applications well assisted by learned Advocate Mr. D. S. Kal for the original informant.

3. The First Information Report has been lodged by one Shubham Vinayak Mangate on 06.02.2022 in respect of incident that had allegedly taken place at about 10.30 p.m. on 05.02.2022. It appears that the dispute started on the ground of accused No.2 - Yash Pakhare and others asking for tobacco free of cost from Kirana shop of the informant's family. When it was refused after supplying it for about 8-10 days free of cost prior to 05.02.2022, it is stated that all the accused persons gathered with weapons. It is stated that accused Shubham More

assaulted informant with knife, which caused injury near his eyebrow and face. Applicant – Atish More gave sword from his hand to one Raju Pathade and instigated Raju by saying that the informant should not be left alive. Raju then by catching hold of the neck of the informant gave blow of sword on the head of the informant. Applicants – Shaikh Badsha Shaikh Baba and Atish More then assaulted the informant with kicks and fists blows as well as sticks on the back waist and legs of the informant. Informant became unconscious and thereafter, he was taken to hospital.

4. The informant, who is opposing both the applications, has given his photographs for showing as to how much serious injuries were caused to him, however, at this stage we can go by the Medico Legal Certificate and the role attributed to the applicants. The Medico Legal Certificate issued by Gajanan Hospital and Critical Care Center shows in all nine injuries. Eight are CLW and three of them are grievous. Others are simple. Ninth is the fracture to the left frontal bone and it is grievous. The other three grievous injuries are CLW over left supra orbital region medial, over left supra orbital lod region and CLW below left eye. All these injuries are attributable to either Shubham More or Raju Pathade. No doubt, as regards the applicant Atish More is concerned, it is stated that he had supplied sword to Raju, but the fact

remains is that Atish has not used that weapon. But then it is stated that he assaulted the informant by kicks and fists blows and the stick blows on his waist, back and legs. Those injuries are simple. Investigation is almost complete. Statements of witnesses have been recorded. The weapons have not been seized though police custody was granted. Therefore, case is made out for releasing the applicant – Atish More. As regards applicant – Shaikh Badsha Shaikh Baba is concerned, his criminal antecedents are stated. He is stated to be involved in Crime No.45 of 2022 under Section 4 punishable under Section 25 of the Indian Arms Act and Section 135 of the Maharashtra Police Act and also a Chapter Case proceedings under Section 107 of the Code of Criminal Procedure has been started against him. That cannot be the ground for rejecting his regular bail. With necessary conditions, the applications deserve to be allowed. Hence, the following order :-

ORDER

- I) Criminal Application Nos.1262 of 2022 and 1264 of 2022 stand allowed and disposed of.
- II) Bail Application Nos.430 of 2022 and 384 of 2022 stand allowed.
- III) Applicant in BA No.430 of 2022 i.e. Atish Bhausahab More, who has been arrested in connection with Crime No.47 of 2022

registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 148, 149 of Indian Penal Code and under Section 135 of the Maharashtra Police Act, be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.

IV) Applicant in BA No.384 of 2022 i.e. Shaikh Badsha Shaikh Baba, who has been arrested in connection with Crime No.47 of 2022 registered with Pundliknagar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 324, 323, 504, 506, 143, 144, 148, 149 of Indian Penal Code and under Section 135 of the Maharashtra Police Act, be released on P. R. Bond of Rs.30,000/- with two solvent sureties of Rs.15,000/- each.

V) Both the applicants shall attend the concerned Police Station on every Saturday between 10.00 a.m. to 2.00 p.m. till filing of charge-sheet and co-operate with the investigation.

VI) They shall not tamper with the evidence of the prosecution in any manner.

VII) They should not indulge in any criminal activity.

VIII) Bail before the Trial Court.

[SMT. VIBHA KANKANWADI, J.]