

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

BAIL APPLICATION NO.707 OF 2022

1. Akash @ Balya Ashok Pathare

2. Somnath Subhash Hinge ... Applicants

Versus

The State of Maharashtra
Through Parner Police Station,
Tq. Parner, District Ahmednagar. ... Respondent

....

Mr. Amol S. Sawant, Advocate for Applicants
Ms. V.S Choudhari, APP for Respondent / State

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CORAM : SARANG V. KOTWAL, J.

DATE : 07th JUNE, 2022

PER COURT:-

1. The applicants are seeking their release on bail in connection with C.R.No. 0283 of 2022 registered at Parner Police Station, Dist. Ahmednagar 16.04.2022, under sections 107, 143, 147, 149, 160, 186, 294, 323, 353, 504 of the Indian Penal Code (for short 'IPC').

2. Heard Mr. Amol Sawant, learned counsel for the applicants and Ms. V.S. Choudhari, learned A.P.P. for the respondent / State.

3. Learned counsel for the applicants submitted that there are vague allegations against the applicants and the F.I.R. does not disclose any direct involvement of the applicants in the alleged crime. The applicants are in custody since 16.04.2022 and further custody is not required. He submitted that a lenient view may be taken and they be released on bail.

4. Learned A.P.P. opposed this application. She submitted that the manner in which the police officers were assaulted, dis-entitles the applicant for being released on bail.

5. I have considered these submissions. The FIR was lodged by the police constable Toradmal. He has stated that on 15.04.2022, they were on duty during the night. There was a dance programme on an open land. About 200-300 people had gathered for the programme. In the midnight, suddenly, one Sumit Shankar Gopale started dancing in front of the stage. The others objected and there was a quarrel between Sumit and others. The police tried to control the quarreling groups. The allegations against the applicants are that in the incident, they suddenly started abusing the first informant and instigated others. The first informant and others called for more police force. The situation

were brought in control. The FIR was lodged. Both the applicants were arrested.

6. Learned APP produced the injury certificates of three police officers before the Court. Those officers are Gorakh Gaikwad, Akshay Ichke and Ganesh Dahale. All of them had suffered one blunt trauma each. Mayur Toradmal, the first informant had suffered blunt trauma at two places. The injuries are simple and minor. Though the conduct of the applicants cannot be justified, at the same time, their further detention in custody is also not really required. The investigation is practically over and the trial will take very long time to commence. Therefore, the applicants can be released on bail.

7. Hence, the following order:

ORDER

- (i) In connection with C.R. No. 0283 of 2022 registered at Parner Police Station, Dist. Ahmednagar, the Applicants are directed to be released on bail on their furnishing PR bond in the sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The Applicants shall attend the concerned police station once every fortnight for a period of six months from today

(iii) The Application is disposed of accordingly.

[SARANG V. KOTWAL, J.]

S.P Rane