

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

BAIL APPLICATION NO.789 OF 2022

Ajit @ Bablya Dattu Yadav & anr. ... **APPLICANTS**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. S.B. Choudhari, Advocate for applicants
Mr. G.O. Wattamwar, A.P.P. for respondent – State
.....

WITH

BAIL APPLICATION NO.909 OF 2022

Sameer Isaq Mujawar ... **APPLICANT**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. V.B. Deshmukh, Advocate for applicant
Mr. G.O. Wattamwar, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 21st JULY, 2022.

PER COURT :

Both these Bail Applications are taken up together
since they arise from one and the same Crime No.0457/2021,
registered with Kallam Police Station, District Osmanabad for

the offence punishable under Sections 307, 394, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned counsel for the applicants. Perused the First Information Report (F.I.R.) and the related police papers. The F.I.R. has been lodged by the victim himself. It is his case that, he is a goldsmith by profession. He runs a jewellery shop. He was on his way after closing of the shop. It was about 10.30 p.m. of 23/12/2021. He had halted near Vishnu Garage at Ganesh Nagar. His sister was residing in the nearby. There was a group of persons. Co-accused Datta Adsul came to the informant and removed key of his motorbike. When the informant questioned him about removal of the key, Datta told him that it was his area and why did he wait there. The informant thereafter attempted to snatch away his key, Datta picked up a stone from nearby and assaulted on informant's left arm with it. Meanwhile, a person in the age group of 20 – 25 came from behind. He caught hold of the applicant and slapped on his cheek. Meanwhile, co-accused Datta fished out sharp weapon and assaulted with it above left waist of the informant. Datta again gave two blows thereof in informant's back. The applicant Sameer threatened the informant. One another person in the age group of 28 – 30 robbed the informant of his gold chain and

two gold rings. He was later on identified as the present applicant Amar @ Dadya Vilas Pawar.

3. Both the learned counsel for the applicants would submit that, the investigation of the crime is over, charge sheet has been filed and the informant has been discharged from the hospital. Assault with knife has been attributed to co-accused Datta Adsul. The applicants have been falsely roped in. The learned counsel would, therefore, urge for grant of the applications.

The learned A.P.P. would, on the other hand, urge for rejection of the applications.

4. Considered the submissions advanced. Perused the F.I.R. and the related police papers. Assault with knife has been attributed to co-accused Datta Adsul. The applicant Ajit @ Bablya Yadav and Sameer Mujawar appear to have played very little role in the commission of offence in question. Their criminal liability is sought to be invoked for the offence punishable under Section 307 of the Indian Penal Code only with the aid of Section 34 of the Indian Penal Code. So far as regards offence punishable under Section 394 of the Indian Penal Code is concerned, the applicant Amar @ Dadya Pawar is attributed therewith. There is no recovery of articles.

The applicants have been behind the bars for little over seven months. It will take time for commencement and conclusion of the trial. Further pre-trial detention of the applicants is unwarranted. Hence, the order :-

ORDER

(i) The applications are allowed.

(iii) The applicants be released in connection with Crime No.0457/2021, registered with Kallam Police Station, District Osmanabad for their executing P.R. bonds in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicants shall not tamper with the prosecution evidence in any manner.

**(R. G. AVACHAT)
JUDGE**

fmp/-