

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

BAIL APPLICATION NO. 808 OF 2022

1. Ganpati Ramrao Kendre
 2. Shesherao Bhagwan Kendre
 3. Madhavrao Ramrao Kendre
- ... Applicants

Versus

The State of Maharashtra

... Respondent

....

Mr. Ram S. Shinde, Advocate for applicant
Mr. V. S. Badakh, Advocate for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 21st JULY, 2022

PER COURT :-

This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.063/2022, registered with Jalkot Police Station, District Latur, for the offences punishable under Sections 307, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code

2. Heard.

Perused the First Information Report (FIR) and related police papers.

3. The FIR has been lodged by one Madhav Kendre on 19.04.2022. It is alleged in the FIR that the informant along with his cousin Akshay and two others was on his way towards his old residence for lunch. Near Hanuman temple, Taterao and Sangram met them on way. Both of them abused the informant. It was about 3.00 p.m., the informant Akshay and Krishna were engaged in arranging for lunch, that time, accused Taterao Kendre and seven, named in the FIR (including the applicants herein) came armed with sticks and axe. Co accused Taterao said that the informant and other shall not be kept alive. All of them started assaulting the informant. Co-accused Taterao assaulted Akshay on his head with an axe. Sangram hit Akshay with a sickle. Applicant Ganpati assaulted Akshay with a stone. Co-accused Vinayak and Shesherao (applicant) assaulted Akshay with iron rod. Shankar and Madhav (applicant) beat up Akshay with sticks and fist blows.

4. The learned Advocate for the applicants would submit that the applicant Nos. 1 and 3 are more than 58 years of age. Investigation of the crime is over. The victim has been discharged from the hospital. The applicants are not alleged to have played any

major role in the alleged offence. He, therefore, urged for grant of the application.

5. The learned APP would, on the other hand, submit that Akshay was brutally assaulted. It was a beat on his life. He urged for rejection of the application.

6. Considered the submissions advanced. Perused the FIR. The applicant No.3 herein is 76 years of age. He is alleged to have assaulted Akshay on his legs with sticks and fist-cuffs. The applicant Ganpati allegedly hit on Akshay's eyebrow with stone. Injury certificate indicates Akshay to have suffered simple injury. Applicant Shesherao allegedly assaulted Akshay with an iron rod. The victim Akshay has been discharged from the hospital. His injury certificate on record indicates him to have suffered although seven injuries, only one of them was grievous in nature. Rest are simple injuries. Investigation of the crime is over. Assault with axe is attributed to co-accused Taterao.

7. Considering the role of the applicants in the alleged offence, their ages and the fact that the investigation has been over and charge-sheet is filed, the application is allowed in terms of following order:

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicants be released on bail in connection with Crime No.063/2022, registered with Jalkot Police Station, District Latur, for the offences punishable under Sections 307, 326, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, on their executing P. R. bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with surety bond each of the like amount.
- (iii) The applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS