

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

BAIL APPLICATION NO. 871 OF 2022

Uddhav @ Udhav Pandurang Oname

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

....

Mr. A.D. Ostwal, Advocate for applicant

Mr. G.O. Wattamwar, A.P.P. for respondent - State

....

CORAM : R.G. AVACHAT, J.

DATE : 18th JULY, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicant has been arrested in connection with Crime No. 150 of 2019 registered with Shirur Anantpal Police Station, Dist. Latur for the offences punishable under Sections 302, 307, 504, 143, 147, 148, 149 read with Section 34 of the Indian Penal Code and under Section 135 of the Maharashtra Police Act, 1951.

2. Heard. Perused First Information Report ("F.I.R.") and related police papers.

3. Learned A.P.P. has opposed the application on the ground that criminal liability of the applicant could be invoked for the offences punishable under Sections 148 and 149 of the I.P.C.

4. Learned counsel for the applicant took this Court through the F.I.R., wherein no overt act has been attributed against the applicant herein. Ten days after the incident, the informant gave his supplementary statement wherein the applicant is alleged to have exhorted the other co-accused to assault the informant, his father and other family members. Admittedly, except this oral attribution in the supplementary statement, there is no incriminating material against the applicant. Similarly placed co-accused viz. Laxman Oname and Balaji Oname have been granted bail.

5. In view of there being no overt act attributed to the applicant herein and similarly placed co-accused having been released on bail, this Court finds it a case to grant the applicant bail on the similar conditions.

6. In view of above, the application deserves to be allowed. Hence I pass the following order :-

ORDER

(I) The bail application is allowed.

(II) The applicant be released, in connection with Crime No. 150 of 2019 registered with Shirur Anantpal Police Station, Dist. Latur for the offences punishable under Sections 302, 307, 504, 143, 147, 148, 149 read with Section 34 of the Indian Penal

Code and under Section 135 of the Maharashtra Police Act, 1951, on executing P.R. Bond in the sum of Rs.20,000/- (Rupees Twenty Thousand) with one solvent surety in the like amount.

(III) The applicant shall not tamper with the prosecution evidence.

(IV) The applicant shall not enter within the limits of village Dangewadi, Tq. Nilanga, Dist. Latur till conclusion of the trial.

(R.G. AVACHAT, J.)

SSD