

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

BAIL APPLICATION NO. 886 OF 2022

1. Mahadu Shashikant Pandhare
Age: 27 years, Occu.: Labour,
2. Sudhakar Sahadev Dandgule
Age: 28 years, Occu.: Labour
3. Dilip Annarao Dandgule
Age: 32 years, Occu.: Labour,

All R/o Wadar Vasti, Killari,
Tq. Ausa, Dist. Latur

..APPLICANTS

VERSUS

State of Maharashtra
Through Police Inspector,
Police Station Killari,
Tq. Ausa, Dist. Latur

..RESPONDENT

....

Mr. G.L. Deshpande, Advocate for applicants
Mr. V.S. Badakh, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.
DATE : 14th 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. 121 of 2022 registered with Killari Police Station, Dist. Latur for the offences punishable under Sections 307, 379, 511, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code.

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

3. The F.I.R. has been lodged by the informant – Balu Birajdar on 24th May, 2022. It is his case that his land in Survey No. 198-B is on the bank of Terna river at village Killari. On 23rd May, 2022 by 04.00 p.m., he noticed some persons excavating sand from his land and loading the tractor therewith. On having gone close to them, he realised that two of them were Applicant Nos.1 and 2 herein. He questioned them as to why did they excavate sand. Both of them, therefore, abused the informant and even threatened him to run the tractor over him. The informant, therefore, made a phone call to his son – Ramanand @ Rohit. He contacted village Talathi and Tahsildar as well. Thereupon, Applicant Nos. 1 and 2 unloaded the sand and started leaving from the place. Meanwhile, son of the informant arrived. He questioned them as to why they were committing theft of the sand. Applicant No.2 - Sudhakar manhandled him. Both, Applicant Nos. 2 and 3 caught hold of the informant. Applicant No.1 started the tractor and took it towards the person of the informant's son. The tractor hit him. He suffered multiple injuries.

4. Learned counsel for the applicant would submit that from the averments in the F.I.R. no offence under Section 307 of the I.P.C. is made out.

According to him, investigation is almost over. The applicants are behind the bars for little over one and half month. He, therefore, urged for grant of application.

5. Learned A.P.P. would, on the other hand, submit that son of the informant was ran over by a tractor driven by Applicant No.1 – Mahadu. Injury certificate indicates him to have suffered multiple injuries. One of them is grievous in nature. He was indoor patient for about a fortnight. The investigation is incomplete. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. This Court, on considering the material on record, expressed disinclination to grant bail to Applicant No.1, since he was the driver of the tractor which intentionally hit the son of the informant. The victim suffered multiple injuries. He was an indoor patient for about two weeks. Investigation is not yet complete.

7. Learned counsel for the applicants, therefore, came around and seeks withdrawal of the bail application of Applicant No.1.

8. However, so far as regards Applicant Nos. 2 and 3 are concerned, no overt act, except manhandling the informant, has been attributed to them. They are also alleged to have exhorted Applicant No.1. Considering the

nature of allegations and the role played by Applicant Nos. 2 and 3 in the alleged offence, the Court is inclined to grant them bail.

9. In view of above, the application deserves to be partly allowed.

Hence I pass the following order :-

ORDER

(I) The bail application is partly allowed.

(II) Applicant No.2 – Sudhakar Sahadev Dandgule and Applicant No.3 – Dilip Annarao Dandgule be released, in connection with Crime No. 121 of 2022 registered with Killari Police Station, Dist. Latur for the offences punishable under Sections 307, 379, 511, 323, 504, 506, 507 read with Section 34 of the Indian Penal Code, on executing PR. Bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(III) They shall not tamper with the prosecution evidence.

(IV) Bail application of Applicant No.1 – Mahadu Shashikant Pandhare stands disposed of as withdrawn with liberty to move after filing of charge-sheet.

(R.G. AVACHAT, J.)