

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

BAIL APPLICATION NO.920 OF 2022

1. Mahesh s/o. Dashrath Mate,
2. Manish @ Chandan s/o. Sahebrao Dhawan,
3. Akshay s/o. Pradip Tekale,
4. Hemant @ Sonya s/o. Dattatray Kohak ..Applicants

Vs.

The State of Maharashtra ..Respondent

AND

BAIL APPLICATION NO.960 OF 2022

Shivling Kailas Shinde ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr.N.B.Narwade, Advocate for applicants
Mr.N.T.Bhagat, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : JULY 29, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0418 of 2022 registered with Topkhana Police Station, Dist. Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the informant/victim on 26.05.2022, while he was admitted to Pacific Hospital, Ahmednagar. It is his case that on 23.05.2022, in the night at about 10.00 p.m., he along with his two friends were on the terrace of Mahesh Corner building. All of a sudden, 8-9 persons came on 4-5 motorbikes at the building. The applicants herein were among those nine persons. All of them went upstairs at the behest of co-accused Ankush Chattar. On the terrace, the applicants and their companions picked up a quarrel with the informant and his friends. Co-accused Mayur assaulted the informant with sword. The applicants herein are alleged to have assaulted him with sticks.

4. It is informed by learned counsel for the applicants that the co-accused - Mayur, who is alleged to have assaulted the informant with sword, has been granted anticipatory bail. A copy of the order granting him anticipatory bail has been placed on record. He would further submit that the medical certificate does not reinforce the prosecution case since there are no corresponding injuries which are alleged to have been inflicted by the applicants herein.

5. Learned APP would submit that it is a serious offence. If the applicants are released on bail, they may indulge in similar offence. He, therefore, urged for rejection of the application.

6. The FIR has been lodged three days after the alleged incident. Co-accused - Mayur, who is alleged to have assaulted the informant with sword, has been granted anticipatory bail. The applicants are alleged to have assaulted the informant and his friends with sticks. The injury certificate of the informant/victim do not indicate corresponding injuries. For about two months, the applicants have been behind the bars. In the factual backdrop, their pre-trial detention is unwarranted.

7. In view of the above, the Court is inclined to grant the applicants bail. Hence, the following order:-

- (i) The applications are allowed.
- (ii) The applicants be released in connection with Crime No.0418 of 2022 registered with Topkhana Police Station, Dist.Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.
- (iii) The applicants shall not tamper with the prosecution evidence in any manner.
- (iv) They shall not enter the area wherein the incident took place and whereat, the informant resides, until conclusion of trial.

[R.G. AVACHAT, J.]