

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

BAIL APPLICATION NO. 961 OF 2022

1. Arjun Madhukar Bavishe
 2. Yogesh Ramchandra Chandaliya
 3. Nandkumar @ Nandu Bhimrao Dhabadage
 4. Rohit Ramchandra Chandaliya
 5. Rohit Deepak Tak
- ... Applicants

Versus

The State of Maharashtra

... Respondent

....

Mr. M. K. Bhosale, Advocate for applicants
Mr. V. S. Badakh, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 29th JULY, 2022

PER COURT :-

. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0227/2022, registered at Selu Police Station, District Parbhani, for the offences punishable under Sections 307, 324, 336, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act and under Section 135 of the Maharashtra Police Act.

2. After having heard the learned Advocate for the applicants, this Court expressed disinclination to grant relief to applicant Nos.1 and 2. The learned Advocate, therefore, came around to withdraw their application.

3. The FIR has been lodged by the victim himself on 29.05.2022. It is alleged that on 28.05.2022 at 9.30 p.m., all the applicants herein along with others came together. One of them, namely Vicky, made a phone call to the informant and asked him to come out of his house. No sooner the informant came out, the applicant Arjun gave a stick blow on his head. The injury certificate on record indicates the informant to have suffered injury to his left parietal region of scalp. The injury is grievous one. The applicant No.2 tried to assault the informant with a sword. The informant with a view to avoid an assault, moved a bit. A blow fell on his right leg. The injury certificate indicates corresponding injury.

4. So far as regards applicant Nos. 2 to 5 are concerned, they are alleged to have assaulted the complainant and his mother with stick blows. The mother's injury certificate is not on record. The informant's injury certificate indicates to have suffered two injuries.

This Court is therefore inclined to grant bail to applicant Nos.3 to 5.

Hence, following order:

ORDER

- (i) The Bail Application of applicant Nos. 1 and 2 is disposed of as withdrawn.
- (ii) The Bail Application of applicant Nos. 3 to 5 is allowed.
- (iii) The applicant Nos. 3 to 5 be released on bail in connection with Crime No.0227/2022, registered at Selu Police Station, District Parbhani, for the offences punishable under Sections 307, 324, 336, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code and under Section 4/25 of the Indian Arms Act and under Section 135 of the Maharashtra Police Act, 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.
- (iv) The applicant Nos. 3 to 5 shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]