

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

BAIL APPLICATION NO. 1026 OF 2022

1. Ganesh Shenfadu Dangode
Age: 36 years, Occu.: Agri.,
2. Shankar Shenfadu Dangode
Age: 27 years, Occu.: Agri.,
3. Sunil Rangnath Dangode
Age: 30 years, Occu.: Agri.,

All R/o Liha Jahangir, Tq. Phulambri,
Dist. Aurangabad

..APPLICANTS

VERSUS

State of Maharashtra
Through Investigation Officer,
Wadod Bazar Police Station,
Phulambri, Dist. Aurangabad

..RESPONDENT

....

Mr. R.V. Gore, Advocate for applicants
Mr. N.T. Bhagat, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.
DATE : 11th AUGUST, 2022

PER COURT :

1. This is an application for bail under Section 439 of Code of Criminal Procedure. The applicants have been arrested in connection with Crime No. 139 of 2022 registered with Wadod Bazar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 326, 324, 504 and 506 read with Section 34 of the Indian Penal Code ('I.P.C.').

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

3. The F.I.R. has been lodged by the victim himself on 06th June, 2022. It is his case that on 06th June, 2022 by 12.30 noon, he was engaged in agricultural operations. His father and uncle were also in the field. The applicants and co-accused - Shenfadu came there. They asked the informant not to plough the field. All of them abused the informant. He, therefore, got down of the tractor. Co-accused – Shenfadu assaulted the informant with an axe. The present applicants allegedly beat him up with sticks.

4. Learned counsel for the applicants would submit that one, who has committed offence punishable under Section 307 of the I.P.C. is not before this Court. The allegations in the F.I.R. do not indicate the applicants to have criminal liability with the aid of Section 34 of the I.P.C. The co-accused assaulted the victim with an axe. The present applicants assaulted him with sticks. As such, the assault made by the applicants could not be connected with the assault made by the co-accused with an axe. According to him, the applicants have been behind the bars for about two months. He, therefore, urged for grant of bail.

5. Learned A.P.P would, on the other hand, submit that it is the bid on the life of the victim. An axe has been wielded. The applicants and the co-accused were in concert while committing the crime. Investigation is underway. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. It appears to be a case of dispute over right of way. Co-accused had assaulted the victim with an axe. After the said assault was made, the applicants allegedly assaulted the victim with sticks. As such, there is distinction between the assault with an axe and assault made by the applicants herein with sticks. The applicants have been behind the bars for about two months. Without making any further observations, suffice it to say that the nature of offence allegedly committed by the applicants herein leads this Court to grant them bail.

7. 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 applicants be released, in connection with Crime No. 139 of 2022 registered with Wadod Bazar Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 326, 324, 504 and 506 read with Section 34 of the Indian Penal Code,

on executing PR. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety in the like amount.

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

(R.G. AVACHAT, J.)

SSD