

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

BAIL APPLICATION NO. 1033 OF 2022

Dilip Kacharu Khandagale

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

**WITH
BAIL APPLICATION NO. 1058 OF 2022**

Krushna @ Kishor Janardhan Laghane

..APPLICANT

VERSUS

State of Maharashtra

..RESPONDENT

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Ms. J.T. Ghorpade (Nawale), Advocate for applicant in BA/1033/2022

Mr. V.S. Wakale, Advocate for applicant in BA/1058/22

Mr. A.V. Deshmukh, A.P.P. for respondent - State

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CORAM : R.G. AVACHAT, J.

DATE : 11th AUGUST, 2022

PER COURT :

1. Both these applications for bail under Section 439 of Code of Criminal Procedure are being decided by this common order since same are arising from one and the same crime. The applicants have been arrested in connection with Crime No. 247 of 2022 registered with Bidkin Police Station, Dist. Aurangabad for the offences punishable under Sections 307, 324, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code ('I.P.C.') and under Section 4 and 25 of the Arms Act.

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

3. The F.I.R. has been lodged by brother of the victim on 03rd June, 2022. It is his case that he alongwith his friend Yogesh Ghodke had been to a *Dargah* to have *darshan* of *Shah Sikandar Baba* as it was a day of *Urus*. After having *darshan*, both of them were on their way back home. On way, co-accused – Pralhad Wagh, Yogesh Laghane, Ganesh Gaikwad and Saurabh Indapure and some others intercepted their way. Co-accused – Pralhad gave him dash. Pralhad was enquired with as to why did he behave such a way. He started beating him up. The informant got himself rescued from Pralhad and told him that he was going to report the incident to his elder brother.

4. It is further alleged that after a while, the above named co-accused and five others named in the F.I.R., including the applicants herein, came together. All of them were armed with iron rods, knives, etc. It has further been alleged that all of them assaulted the informant’s brother – Ganesh indiscriminately.

5. Learned A.P.P. would submit that Ganesh has suffered not less than nine injuries. As a result of injuries, Ganesh is still unable to speak. His statement, therefore, could not be recorded. According to him, it is a serious

offence. Investigation is underway. He, therefore, urged for rejection of the application.

6. Applicant – Dilip is twenty one years of age, while applicant – Krushna @ Kishor is twenty two. Assault on the head of the victim – Ganesh has been attributed to co-accused Saurabh, Pralhad and Yogesh. The applicants herein have allegedly assaulted Ganesh with iron rods. It is informed that Section 307 of the I.P.C. had been invoked after some days of the alleged incident. Be that as it may. The applicants are alleged to have assaulted the victim with iron rods. Also there are statements of witnesses – Anand and Prasad attributing the applicants to have assaulted the victim with iron rods. If the acts of the applicants are considered individually, it may be an offence punishable under Sections 324 or 326 of the I.P.C. Both the applicants are in the age group of 21-22 years. They have been behind the bars for little over two months.

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

ORDER

(I) The bail applications are allowed.

(II) The applicants be released, in connection with Crime No. Crime No. 247 of 2022 registered with Bidkin Police Station, Dist. Aurangabad for the offences punishable under Sections 307,

324, 326, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code and under Section 4 and 25 of the Arms Act, on executing P.R. 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