

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

BAIL APPLICATION NO. 1083 OF 2022

1. Sagar Arun Fidoda @ Choudhari	
2. Sham Mukundrao Jamdhade	
3. Shivaji Vinayakrao Mule	
4. Siddarth Babasaheb Kuware	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. Sudarshan J. Salunke, Advocate for applicants

Mr. R. B. Bagul, APP for respondent - State

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**WITH
CRIMINAL APPLICATION NO. 2656 OF 2022**

Baburao Umaji Kawale	... Applicant
Versus	
Sagar Arun Chaudhari (Fedoda) and others	... Respondents

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Mr. N. R. Solunke, Advocate for applicant

Mr. Sudarshan J. Salunke, Advocate for respondent Nos. 1 to 4

Mr. R. B. Bagul, APP for respondent No.5 - State

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CORAM : R. G. AVACHAT, J.

DATED : 12th AUGUST, 2022

PER COURT :-

. Criminal Application No. 2656 of 2022 is allowed. The original complainant is permitted to assist the learned APP.

2. Heard. This is an application for bail under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0374/2022, registered at Taluka Jalna Police Station, District Jalna, for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code.

3. Perused the First Information Report (FIR) and related papers.

After having heard the learned Advocate for the applicants, this Court expressed disinclination to grant relief to applicant No.1 - Sagar Arun Fidoda @ Choudhari. The learned Advocate, therefore, came around to seek withdrawal of his application.

The Bail Application of applicant No.1, thus stands disposed of as withdrawn.

4. The FIR has been lodged by one Baburao Kawale on 14.06.2022. It appears that there was dispute over measurement of the land. The incident is said to have taken place at 1.30 p.m. on 14.06.2022. The applicant No.1 Sagar, co-accused Ankush and some

other unknown persons came in two cars. All of them were armed with wooden rods. They intercepted the informant and questioned as to why the land was not allowed to be measured. One of the assailants was about to make assault on the head of the informant with an wooden rod, the informant raised his hand. A blow, therefore, fell on his hand and another blow on his right arm. The son of the informant intervened. He too was assaulted.

5. In the FIR, no particular overt act has been attributed to the applicant Nos. 2 to 4. Section 307 appears to have been invoked since the informant has stated therein that the assailant has attended to assault on his head. The applicants have been behind the bars for about two months. Injury certificate issued by private hospital.

6. The learned APP and the learned Advocate for the intervenor would, on the other hand, submit that the injuries suffered by the informant and his son are serious one. The investigation is still underway. The assailants have been identified in the T.I. parade.

7. Since no particular overt act has been attributed to applicant Nos. 2 to 4 and considering the injury certificates of the informant and his son and the fact that these applicants have been

behind the bar for about two months, this Court is inclined to grant their application. Hence, following order:

ORDER

- (i) The Bail Application of applicant Nos. 2 to 4 is allowed.
- (ii) The applicant Nos. 2 to 4 be released on bail in connection with Crime No.0374/2022, registered at Taluka Jalna Police Station, District Jalna, for the offences punishable under Sections 307, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code, 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.
- (iii) The applicant Nos. 2 to 4 shall attend the concerned Police Station once a week i.e. on every Sunday between 12.00 noon and 1.00 p.m. till conclusion of the trial.
- (iv) The applicant Nos. 2 to 4 shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]