

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

BAIL APPLICATION NO. 1122 OF 2022

1. Netaji Mahadev Dhole	
2. Sujit Netaji Dhole	
3. Mahadev Subhash Dawkare	
4. Vikram Vyankat Jadhav	... Applicants
Versus	
The State of Maharashtra	... Respondent

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Mr. V. B. Deshmukh, Advocate for applicants
Mr. N. T. Bhagat, APP for respondent - State

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CORAM : R. G. AVACHAT, J.

DATED : 10th AUGUST, 2022

PER COURT :-

1. 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.0148/2022, registered at Bembli Police Station, District Osmanabad, for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 323, 504, 506 of the Indian Penal Code.

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

The FIR has been lodged by one Chandrahas patil on 03.07.2022. It appears to be a case of dispute over agricultural land. The incident took place by 10.00 p.m. on 02.07.2022. It is the case of the informant that he along with his son Datta, were present at the house of one Shrimant Gaikwad. Accused No.1 Kakasaheb More along with his two nephews, the informant's nephew Vikram – applicant No.4 and two others came in a car. Co-accused Kakasaheb was armed with an axe. Others were armed with stones and sticks. Co-accused Kakasaheb questioned the informant as to why did he obstruct his way to his field. Kakasaheb claimed to be a Military-man, with a permission to kill three persons. Kakasaheb allegedly abused the informant and assaulted on his head with an axe. The informant, Datta and Hanmant intervened to save him. The others assaulted them with sticks and stones.

3. The learned Advocate for the applicants would submit that first three applicants have not been named in the FIR. There is a counter case. An assault with an axe has been attributed co-accused Kakasaheb. According to him, applicant Nos. 2 and 3 are in the age group of 20 – 21 years. He, therefore, urged for grant of bail.

4. The learned APP would, on the other hand, submit that it was a bid on the life of the informant. The applicants herein have participated in the assault. They are the members of unlawful assembly. The investigation is still underway. He, therefore, urged for rejection of the application.

5. Considered the submissions advanced. Perused the FIR and related papers. An assault with an axe has been attributed to co-accused Kakasaheb. There are general allegations attributing the applicants herein to have assaulted those who have intervened to rescue the informant. As such, for the offence punishable under Section 307 IPC, criminal liability of these applicants is sought to be invoked with the aid of Section 149 IPC. Considering the role played by the applicants herein in the alleged offence and the fact that they have been behind the bars for little over one month, they are granted bail. Hence, following order:

ORDER

(i) The Bail Application is allowed.

(ii) The applicants be released on bail in connection with Crime No.0148/2022, registered at Bembli Police Station, District Osmanabad, for the offences

punishable under Sections 143, 147, 148, 149, 307, 324, 323, 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 applicants shall not tamper with the prosecution evidence.

[R. G. AVACHAT, J.]

SMS