

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

BAIL APPLICATION NO.1167 OF 2022

1. Suraj Balu @ Balasaheb Shinde,
2. Manoj Balu @ Balasaheb Shinde,
3. Balu @ Balasaheb Sakharam Shinde ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.Joydeep Chatterji, Advocate for applicants

Mr.V.S.Badakh, APP for respondent assisted by

Mr.C.V.Bodkhe, Advocate h/f. Mr.R.V.Gore, Advocate for informant

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 20, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.0312 of 2022 registered with Newasa Police Station, Dist. Ahmednagar.

2. Heard learned counsel appearing for the parties.

3. After having heard learned counsel for the applicants, this Court expressed disinclination to grant bail to applicant no.2 – Manoj Balu @ Balasaheb Shinde. Learned counsel for the applicants,

therefore, on instructions, came around to withdraw the application as regards applicant no.2 – Manoj.

4. The FIR has been lodged by one Gaurav on 18.04.2022 in relation to the incident that took place two days before i.e. on 16.08.2022 by 3.30 p.m. The incident took place in the field of the informant. It appears that there is dispute over the right of way between the family of the informant and that of the applicants. It has been averred in the FIR that the applicant – Suraj had questioned the informant, as to why did he walk over the Bundh that goes through his land. He then assaulted the informant with stick. The other applicants arrived there. The applicant – Manoj was armed with a crow bar. He assaulted the informant therewith. The applicant – Balu @ Balasaheb is alleged to be armed with spade. Meanwhile, the father and grandfather of the informant arrived. They too were assaulted.

5. Learned counsel for the informant and learned APP urged for rejection of the application since, according to them, investigation is underway.

6. The injury certificates of all the three injured in the present case suggest, except the informant, the father and the grandfather suffered grievous injuries. The grandfather was indoor patient for about two months.

7. There is also other side of story. The applicant - Suraj has filed counter FIR. Learned APP was, therefore, requested to place on record injury certificate of the applicants. He has, accordingly, placed the same on record. Two of the three applicants have suffered simple injuries. Out of the three injuries suffered by applicant – Manoj, one is grievous in nature. Be that as it may.

8. It appears to be a fight between the applicants on one hand and the informant and his family members on the other. The applicant - Suraj is 24 years of age and the applicant – Balu @ Balasaheb is 50 plus. They have been behind the bars for little over two months. They too appear to be victims. It appears that the investigation is almost over. Considering the role of applicant – Suraj and applicant - Balu @ Balasaheb in the alleged offence, this Court is inclined to grant them bail.

9. Hence, the following order:-

(i) The application of applicant nos.1 and 3 is allowed.

(ii) The application of applicant no.2 - Manoj Balu @ Balasaheb Shinde is disposed of as withdrawn. He may move the trial Court post filing of the charge sheet.

(ii) The applicant nos.1 and 3 namely, Suraj Balu @ Balasaheb Shinde and Balu @ Balasaheb Sakharam Shinde be released in connection with Crime No.0312 of 2022 registered with Newasa Police Station, Dist. Ahmednagar, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

(iii) They shall not tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP