

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

BAIL APPLICATION NO.1174 OF 2022

Ramesh @ Bhurya s/o Udesing Pawara ... APPLICANT

VERSUS

The State of Maharashtra ... RESPONDENT

.....
Mr. Joydeep Chatterji, Advocate holding for
Mr. Ujwal Subhash Patil, Advocate for applicant
Mr. S.P. Sonpawale, A.P.P. for respondent – State
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CORAM : R. G. AVACHAT, J.

DATE : 5th AUGUST, 2022.

PER COURT :

Heard. 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.0013/2022, registered at Shirpur Taluka Police Station, District Dhule for the offence punishable under Sections 307, 324, 504, 506 read with Section 34 of the Indian Penal Code.

2. The F.I.R. has been lodged by the cousin of the victim on 19/1/2022 in relation to the incident that took place on the previous day. The gist of the allegations in the F.I.R. is that, the co-accused Shubham resides in a lane wherein he

does reside. The applicant herein has been employed by co-accused Shubham for agricultural operations. The informant was taking rest on upstairs of his premises. It was about 9.30 p.m. of 18/1/2022. Back side of his house, there was group of 10-15 boys. Since the informant was disturbed because of the noise of those boys, he came in the balcony and asked them to keep quiet. Thereupon, the co-accused Shubham abused the informant as he was present in the lane. He even dared to call the informant to come down. The informant responded. He came down. Co-accused Shubham caught hold of his collar and beat him up with fisticuffs. He also assaulted him with a brick bad. One Raj Gosavi intervened and rescued the informant from co-accused Shubham. The informant went to his uncle's residence to narrate the incident. Thereupon, the uncle asked Sandeep to see what the matter was.

3. It is further averred that, the informant along with Sandeep was returning from the dispensary of Dr. Bhupendra Patil. While he was at his residence, co-accused Shubham and the applicant came together. They thought that the informant and Sandeep were proceeding to lodge a police report. Co-accused Shubham, therefore, instigated the

applicant herein to beat up the informant. The applicant thereupon inflicted two stabs on the person of Sonu @ Sandeep. When the informant intervened, co-accused Shubham manhandled him. One Nishant Shinde intervened to work out the truce. He too was not spared. He was assaulted with a knife on his left thigh. The injured were rushed to Indira Memorial Hospital, Shirpur.

4. Mr. Chatterji, learned counsel appearing for the applicant would submit that, the co-accused has been granted bail. The applicant has been behind the bars since 31/1/2022. On investigation charge sheet has been filed. The victim was discharged from the hospital within 9 days after his admission to the hospital. He meant to say that the victim is out of danger. According to learned counsel, it will take time for commencement and resultant conclusion of trial. He, therefore, urged for grant of bail to the applicant.

5. The learned A.P.P. would, on the other hand, submit that, the role played by the co-accused was lesser one. Knife blows have been attributed to the applicant herein. The applicant assaulted two persons. One innocent person, who had intervened to work out the truce too was assaulted.

According to him, it was a bid on the life of the victim. He, therefore, urged for rejection of the application.

6. True, there is an eye witness account. The applicant assaulted the victim with two knife blows. The victim has been discharged from the hospital. Investigation is over. Charge sheet has been filed. It will take time for commencement and resultant conclusion of the trial. Therefore, I am inclined to grant bail to the applicant. Hence the order :-

ORDER

(i) The Bail Application is allowed.

(ii) The applicant be released on bail in connection with Crime No.0013/2022, registered at Shirpur Taluka Police Station, District Dhule for the offence punishable under Sections 307, 324, 504, 506 read with Section 34 of the Indian Penal Code (Sessions Case No.108/2022 pending before the Sessions Court, Dhule) on his executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) with one surety in the like amount.

(iii) The applicant shall not enter village Boradi, Taluka Shirpur for a period of eight months.

(iv) The applicant shall not tamper with the prosecution evidence.

**(R. G. AVACHAT)
JUDGE**

fmp/-