

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

BAIL APPLICATION NO.1175 OF 2022

Ramesh s/o. Waman Savant

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.V.Lavte, Advocate for applicant
Mr.S.P.Sonpavale, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 18, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicant has been arrested in connection with Crime No.0073 of 2022 registered with Majalgaon City Police Station, Dist.Beed, for the offences punishable under Sections 307, 329, 397 read with 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. The FIR has been lodged by the victim/informant on 31.03.2022. The informant would run a hotel namely, "Sai Dhaba" on Gadhi Road, Majalgaon. On the given night, he had closed the hotel. The shutter was half down. He was busy in washing floor of the hotel. By 11.50 p.m., co-accused – Santosh Gaikwad, one Badade and two

unknown persons came in Scorpio vehicle. Those named in the FIR were armed with iron rod and the other two were armed with sticks. They wanted to beat up one Rajesh. Rajesh was not there. The culprits, therefore, assaulted the informant and his brother-in-law.

4. The informant suffered fracture to his skull. Two days after the alleged incident, the informant gave a supplementary statement, naming the applicant as one of the culprits. The applicant is alleged to have had caught hold of the informant and as such, assisted the main culprits to assault him.

5. Learned counsel for the applicant would submit that the similarly placed co-accused has been granted bail by learned Addl. Sessions Judge. He, therefore, urged for grant of bail.

6. Learned APP would, on the other hand, submit that it was bid on the life of the informant. The applicant has participated in the crime in question. Investigation of the crime is in progress. He, therefore, urged for rejection of the application.

7. Considered the submissions advanced. Perused the FIR and the related papers. The similarly placed co-accused has been granted bail. The applicant is behind the bars for little over one

month. The assault with the iron rod has been attributed to accused nos.1 and 2. Considering the role played by the present applicant and the fact that the similarly placed co-accused has been granted bail, the application deserves to be allowed.

8. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0073 of 2022 registered with Majalgaon City Police Station, Dist.Beed, for the offences punishable under Sections 307, 329, 397 read with 34 of Indian Penal Code, on 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 tamper with the prosecution evidence in any manner.

[R.G. AVACHAT, J.]

KBP