

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

**BAIL APPLICATION NO. 1187 OF 2022**

1. Sachin @ Gaju uncle S/o Ganpat Solunke
2. Aasman @ Pappu S/o Nabaji Gaat ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. S. S. Thombre, Advocate for applicants

Mr. D. R. Kale, Public Prosecutor for respondent - State

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**CORAM : R. G. AVACHAT, J.**

**DATED : 12<sup>th</sup> AUGUST, 2022**

**PER COURT :-**

1. 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.0126/2022, registered at Georai Police Station, District Beed, for the offences punishable under Sections 307, 332, 353 r/w 34 of the Indian Penal Code.

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

The FIR has been lodged by one Police Head Constable attached with the office of Sub-Divisional Police Station Officer, Kaij on 16.03.2022. It has been averred in the FIR that the Superintendent of Police had received a tip-off that the sand was being unauthorisedly removed and transported from the riverbed of Godavari at village Khamgaon, taluka Georai. The Police party headed by Kaij Police Station therefore went to the site to find a tractor was being loaded with sand. Three persons were present there. Two of the three, namely the present applicants asked the tractor driver to run the tractor over the police personnel present there. The tractor driver, therefore, started the tractor and knocked down two of the police personnel and he, thereafter, fled away. It was realised that they were none other than the present applicants and one Anil Solunke, who was the tractor driver.

3. On investigation, the charge-sheet has been filed. The learned Public Prosecutor would submit that the applicants have criminal antecedents. Number of crimes have been registered against them. He, therefore, urged for rejection of the application.

4. One who is attributed the overt act, namely, the tractor driver, has been granted bail. The applicants are alleged to have had

instigated him to run the tractor over the police personnel. It is surprising that in the FIR, it has been stated that two of the police personnel were knocked down by moving the tractor. None of them have suffered any injury. Since no injury certificate is part of police papers. Since the investigation is over and charge-sheet has been filed, this Court is inclined to grant the applicants, bail. Hence, following order:

**ORDER**

- (i) The Bail Application is allowed.
- (ii) The applicants be released on bail in connection with Crime No.0126/2022, registered at Georai Police Station, District Beed, for the offences punishable under Sections 307, 332, 353 r/w 34 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 attend the concerned Police Station once a week i.e. on every Sunday between 12.00 noon and 1.00 p.m. for the next twelve months.
- (iv) The applicants shall not tamper with the prosecution evidence.

[ R. G. AVACHAT, J. ]