

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

BAIL APPLICATION NO.1193 OF 2022

Prakash Balasaheb Mane & ors. ... **APPLICANTS**

VERSUS

The State of Maharashtra ... **RESPONDENT**

.....
Mr. S.T. Mahajan, Advocate for applicants
Mr. R.B. Bagul, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 30th AUGUST, 2022.

PER COURT :

Heard. 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.93/2022, registered at Ambajogai Rural Police Station, District Beed for the offences punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code.

2. The F.I.R. has been lodged by the victim himself on 20/4/2022. It is his case that, he was a sugarcane harvesting contractor. He had engaged the applicants herein for sugarcane cutting. The applicants were paid by him Rs.7,00,000/- as advance. The applicants worked for some days and went home for Sankrant festival. They did not

resume the work thereafter. The informant, therefore, had been to the house of the applicants to take them to resume the work. It was on 29/3/2022. The informant questioned the applicant Prakash as to why did they leave the work in spite of having been paid the advance. He picked up an axe to threaten the informant. It is also alleged in the F.I.R. that, all the applicants beat up the informant with fist and kick blows. The applicant Prakash picked up a stone and assaulted on the head of the informant.

3. It has been averred in the F.I.R. that here is delay in lodging of the F.I.R. since the informant was hospitalized for not less than 20 days.

4. The learned A.P.P. would submit that, the victim himself is an eye witness besides two more eye witnesses to the incident. The injury certificate indicates the victim to have suffered grievous injury. The applicants have received a sum of Rs.7,00,000/-, but did not work for the informant. As such, they have duped/ cheated the informant as well. He, therefore, urged for rejection of the bail application.

5. The incident dates back to 29/3/2022. The F.I.R. has been lodged on 20/4/2022. True, the injury certificate indicates the informant to have suffered grievous injury. He

has been discharged from the hospital. On investigation, the charge sheet has been filed. The applicants on their own came forward to deposit a sum of Rs.2,00,000/- (Rupees two lakhs). For all these aforesaid reasons, I am inclined to grant bail to the applicants. Hence the order:-

ORDER

(i) The Bail Application is allowed.

(ii) On condition of the applicants depositing a sum of Rs.1,00,000/- (Rupees one lakh) with the trial Court within a period of one week from today, the applicants be released on bail in connection with Crime No.93/2022, registered at Ambajogai Rural Police Station, District Beed for the offences punishable under Sections 307, 323, 504, 506, 143, 147, 148, 149 of the Indian Penal Code on their executing P.R. bond in the sum of Rs.15,000/- (Rupees fifteen thousand) each with one surety in the like amount. The applicants shall deposit the balance amount of Rs.1,00,000/- (Rupees one lakh) with the trial Court within a period of three weeks thereafter. In case the remaining amount is not deposited within stipulated period, the bail granted to the applicants is liable to be cancelled.

(iii) If the informant moves an application for receipt of the amount, the Court may pay him the amount on conditions to be imposed by it.

(iv) The applicants shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT, J.)

fmp/-