

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

BAIL APPLICATION NO.925 OF 2022

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| 1. | Mehul Makkabhai Bharwad, | |
| 2. | Nilesh Bhagatbhai Bharwad | ..Applicants |
| | Vs. | |
| | The State of Maharashtra | ..Respondent |

Ms.Tanvi Jadhav, Advocate i/b. Mr.S.P.Jadhav, Advocate for applicant
Mr.V.S.Badakh, APP for respondent-State, assisted by Mr.P.P.Patni,
Advocate h/f. Mr.R.S.Wani, Advocate for for respondent

**CORAM : R.G. AVACHAT, J.
DATE : AUGUST 02, 2022**

ORDER :-

The application of applicant – Nilesh Bhagatbhai Bharwad for bail has already been allowed by this Court vide order dated 21.07.2022.

2. The application of applicant – Mehul for bail was adjourned to this date. The applicant – Mehul has been arrested in connection with Crime No.0322 of 2022 registered with Nandurbar City Police Station, Nandurbar.

3. Heard learned counsel appearing for the parties.

4. The incident took place on 25.05.2022 at about 10:30. The informant was in his field feeding she-buffalo. The applicant is

alleged to have come there along with 10-15 persons. All of them were, allegedly, armed with axe, hockey sticks and wooden rods, etc. The applicant assaulted the informant on his head with rear side of spade. The informant's brother – Sanjay was assaulted by Mayur, co-accused. Hemant, Jayashree and Mohan intervened and separated the informant and his brother from the assailants. The informant, was, thereafter, taken to District Hospital, Nandurbar.

5. Learned counsel for the applicant would submit that a false FIR has been lodged. There is delay of over two days in lodging the FIR. The applicant is 20 years of age. He has been behind the bars for about 60 days. According to learned counsel, pre-trial detention of applicant is unwarranted.

6. Learned APP and Mr.P.P.Patni, learned counsel holding for Mr.R.S.Wani, learned counsel for the informant, would, on the other hand, submit that investigation is still underway. Two of the injuries suffered by the informant are grievous in nature. Another victim – Sanjay also suffered four injuries. Learned counsel would further submit that the weapons used in the commission of the alleged crime are yet to be recovered. They, therefore, urged for rejection of the application.

7. Considered the submissions. Perused the FIR and the related police papers. Both the victims have been discharged from the hospital. There is delay of two days in lodging of the FIR. Initially, the crime was registered for offence under Section 326 of Indian Penal Code. It is not known as to why Section 307 of Indian Penal Code is now invoked. Be that as it may.

8. The applicant herein is 20 years of age. He has been behind the bars for about 60 days. These two facts coupled with the fact that the victims have been discharged from the hospital weigh with this Court to grant bail to the applicant.

9. Hence, the following order:-

(i) The application of applicant - Mehul Makkabhai Bharwad is allowed.

(ii) The applicant - **Mehul Makkabhai Bharwad** be released in connection with Crime No.0322 of 2022 registered with Nandurbar City Police Station, Nandurbar, 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

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

**CRIMINAL APPLICATION NO.2530 OF 2022
IN BAIL APPLICATION NO.925 OF 2022**

Ishwar Anna Gavli ..Applicant

Vs.

The State of Maharashtra
and ors. ..Respondents

Mr.P.P.Patni, Advocate h/f. Mr.R.S.Wani, Advocate for applicant

Mr.V.S.Badakh, APP for respondent no.1

Ms.Tanvi Jadhav, Advocate for respondent nos.2 and 3

CORAM : R.G. AVACHAT, J.

DATE : AUGUST 02, 2022

ORDER :-

The application is allowed. The applicant is permitted to assist the learned APP during hearing of the bail application.

[R.G. AVACHAT, J.]

KBP