

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

BAIL APPLICATION NO.1437 OF 2022

Bhupresh s/o Premraj (Premchand)
Borase

... APPLICANT

VERSUS

The State of Maharashtra

... RESPONDENT

.....
Mrs. Sabahat T. Kazi, Advocate for applicant
Mr. R.B. Bagul, A.P.P. for respondent – State
.....

CORAM : R. G. AVACHAT, J.

DATE : 14th SEPTEMBER, 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.413/2022, registered at Shirpur Police Station, District Dhule for the offence punishable under Sections 395, 385, 143, 144, 147, 148, 149, 323, 324, 504, 506, 307 of the Indian Penal Code.

2. The First Information Report (F.I.R.) has been lodged by one Siddharth Kadhare, on 2/8/2022. It is his case that, co-accused, 18 in number, and the present applicant

came together. The informant runs a "Setu Seva Kendra". Co-accused Pritesh, Rahul, Kalpesh, Nirmal, Tushar were armed with swords, gupti, sickle, iron pipe etc. They asked the informant as to why he did not contribute for banner that was displayed on 14th April. They asked him to pay Rs.5000/- per month as protection money. He was assaulted by those mentioned in the F.I.R. He was robbed of cash amount of Rs.2500/-.

3. The learned A.P.P. would submit that, it is a case of Gang-War. The incident took place near to the Police Station and the Court as well. Had there been no intervention by police, more serious offence would have occurred. There is counter case as well. He, therefore, urged for rejection of the bail application.

4. The applicant is 21 years of age. He is alleged to have assaulted with a stick. No further overt act has been attributed to him. The applicant is in jail for little over three weeks. It appears that, his further detention, in the facts and circumstances of the case, is not necessary. In view of the same, I am inclined to grant the applicant bail. Hence the order :

ORDER

- (i) The Bail Application is allowed.
- (ii) The applicant be released on bail in connection with Crime No.413/2022, registered at Shirpur Police Station, District Dhule for the offence punishable under Sections 395, 385, 143, 144, 147, 148, 149, 323, 324, 504, 506, 307 of the Indian Penal Code 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 attend the concerned Police Station every day between 7.00 p.m. and 8.00 p.m. for a period of two months and thereafter on every Monday between 7.00 p.m. and 8.00 p.m. for next six months.
- (iv) The applicant shall not tamper with the prosecution evidence in any manner.

(R. G. AVACHAT, J.)

fmp/-