

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

BAIL APPLICATION NO.1578 OF 2022

Satish s/o. Trimbak Bhosale

..Applicant

Vs.

The State of Maharashtra

..Respondent

Mr.A.S.Shejwal, Advocate for applicant

Mr.R.B.Bagul, APP for respondent

CORAM : R.G. AVACHAT, J.

DATE : OCTOBER 06, 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.0296 of 2022 registered with Omerga Police Station, Dist.Osmanabad, for the offences punishable under Sections 353, 332, 323, 504, 506 and 189 read with Section 34 of Indian Penal Code.

2. Heard learned counsel appearing for the parties.

3. The First Information Report (FIR) has been lodged by the Circle Officer on 09.06.2022. It is alleged therein that while the panchnama regarding the site inspection in a Rasta Vahivat case (Right of way) was underway by 3.30 p.m. on 09.06.2022, the applicant and the co-accused came together. Both of them manhandled the Circle Inspector and abused him as well.

4. It appears that present crime was registered on 09.06.2022. There is nothing to indicate the Investigating Officer to have had made any efforts to arrest the applicant in connection with present crime, until he was arrested in another crime i.e. Crime No.0407 of 2022 registered with Omerga Police Station, Dist.Osmanabad. Thereafter only, custody of the applicant was taken in the present crime.

5. The co-accused has been granted bail by this Court. On 10.08.2022, present applicant has been taken in custody in connection with present crime. Almost, for one month and three weeks, he is in jail in connection with present crime. Considering the nature of the offence and the fact that the similarly placed co-accused has been granted bail, the present applicant also deserves to be granted bail.

6. Hence, the following order:-

(i) The application is allowed.

(ii) The applicant be released in connection with Crime No.0296 of 2022 registered with Omerga Police Station, Dist.Osmanabad, for the offences punishable under Sections 353,

332, 323, 504, 506 and 189 read with Section 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.50,000/- (Rupees Fifty Thousand) with one surety in the like amount.

(iii) The applicant shall not tamper with the prosecution evidence.

(iv) The applicant shall not enter Taluka Omerga, for next three months.

[R.G. AVACHAT, J.]

KBP