

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

BAIL APPLICATION NO.1605 OF 2022

1. Harish Hitesingh Girase
2. Yogesh @ Sonu Rajendra Chavan (Dhobi) ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr.S.S.Pidgewar, Advocate h/f. Mr.N.L.Choudhari, Advocate for
applicants
Mr.R.B.Bagul, APP for respondent

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 07, 2022**

ORDER :-

This is an application under Section 439 of the Code of Criminal Procedure. The applicants have been arrested in connection with Crime No.213 of 2022 registered with West Deopur Police Station, Dist.Dhule, for the offences punishable under Sections 307, 143, 147, 148, 149, 504 and 506 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 victim himself. It is alleged therein that the applicants and the co-accused, for no reason, intercepted the informant on Ashtakoni Ota to

Vidyanagar road, Deopur, and assaulted him with a sharp weapon like scythe and chopper.

4. According to learned counsel for the applicants, there is a cross-complaint. The applicants and their associates have, in fact, been assaulted by the informant and his friends. He invited this Court's attention to a copy of the FIR lodged by applicant - Yogesh. According to learned counsel, the applicants have been in jail for little over one and half months. He, therefore, urged for grant of bail to the applicants.

5. Learned APP would, on the other hand, submit that the applicants and the co-accused assaulted the informant and others with sharp weapons. The informant suffered injuries on his occipital region. It was, in fact, bid on the life of the informant. Investigation is still underway. According to him, the culprits were more than five in number and as such, it was an unlawful assembly formed, the common object of which is to make bid on the life of the informant. According to him, each and every member of the unlawful assembly would be liable for the main offence committed pursuant to the common object thereof. He, therefore, urged for rejection of the application.

6. Considered the submissions advanced. The applicants have been in jail for little over one and half months. The injury certificate of the informant is placed on record. The same indicates him to have suffered two abrasions and two C.L.Ws. The nature of the injuries were simple in nature. He was hospitalised for the injuries suffered. The applicant – Yogesh @ Sonu is alleged to have assaulted on the head of the informant with a sharp weapon (scythe). The injuries suffered by the informant are simple in nature. There is a counter FIR lodged by one of the applicants herein. Be that as it may.

7. Considering the nature of the injuries suffered by the informant and the fact that the applicants have been in jail for little over one and half months, this Court finds that their pre-trial detention is unwarranted.

8. In view of the above, the Court is inclined to grant the applicants bail. Hence, the following order:-

(i) The application is allowed.

(ii) The applicants be released in connection with Crime No.213 of 2022 registered with West Deopur Police Station, Dist.Dhule, for the offences punishable under Sections 307, 143,

147, 148, 149, 504 and 506 read with Section 34 of Indian Penal Code, on executing P.R. Bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with one surety each in the like amount.

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

(iv) For next six months, the applicants shall attend the concerned police station once a week, i.e. on every Sunday at 8.00 p.m.

[R.G. AVACHAT, J.]

KBP