

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

BAIL APPLICATION NO.1691 OF 2022

1. Ashok Sahebrao Mammale
2. Deepak Subhash Yampale ...Applicants
Versus
The State of Maharashtra ...Respondent

...
Advocate for Applicants : Mr. Gangakhedkar Shailendra S
APP for Respondent/State : Ms. V.S. Choudhari
...

CORAM : S.G. MEHARE, J.

DATED : 13th OCTOBER, 2022

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. After hearing learned counsel for the applicants and learned APP for the State at length and going through the charge sheet and material against applicant no.1, Ashok Sahebrao Mammale, the Court expressed disinclination to grant him bail. Learned counsel for the applicants, on instructions, seeks leave to withdraw the application for him.
3. Leave granted. The application of applicant Ashok Sahebrao Mammale is disposed of as withdrawn.

4. Perused the charge sheet. The allegations against the applicants are that they started quarrel with the injured and his uncle/first informant. It has been alleged that the accused raised a quarrel with them and applicant Ashok Mammale assaulted the injured and the complainant with hunter and two unknown persons assaulted them with iron sickle and cause the injury to the complainant on left hand thumb and a third person assaulted the nephew of the complainant with hockey stick.

5. Learned counsel for the applicants would submit that the injuries were simple in nature; however, the police have made the offence unnecessarily serious. There were no assault on the vital part of the body. The accused were arrested and the investigation is complete. The charge sheet has also been filed. He also argued that the applicant is languishing in the jail for sufficient time. The trial may take its time. He is ready to cooperate with the trial and undertakes not to tamper with the prosecution witnesses. Therefore, he may be released on bail.

6. Learned APP has vehemently argued that though the injuries are simple, it appears, from the conduct and the way they have assaulted the injured, the assailants were most aggressive. They were carrying arms unauthorizedly. Fortunately, the police reached on the spot of the incident and the lives of the injured and his nephew have been saved. The offence is serious. The applicant no.2 has

participated in the crime. Therefore, the applicant no.2 may not be granted bail.

7. It reveals from the papers that there was a quarrel on the road on the ground of taking the vehicle of the applicants by the side of the road. The injuries were simple. Nothing is to be investigated from applicant no.2. Considering the matter, applicant no.2 has a good case for bail. Hence, the following order :

ORDER

- (i) Bail Application is partly allowed.
- (ii) Applicant No.2, Deepak Subhash Yampale, be released on bail on executing P.B. and S.B. of Rs.20,000/- (Rupees Twenty Thousand) with one surety in the like amount in connection with Crime No.308/2022, registered at Omerga Police Station, District Osmanabad for the offences punishable under Sections 307, 324, 323, 504, 506 r/w 34 of the Indian Penal Code on the condition not to tamper with the prosecution witnesses.

(S.G. MEHARE, J.)