

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

927 BAIL APPLICATION NO.1756 OF 2022

Nitin s/o Mohan Netake,
Age; 19 years, Occ; Labour Work,
R/o; Matan Vasti, Shendi,
Tal. & Dist. Ahmednagar.

...Applicant.

VERSUS

The State of Maharashtra,
Through Police Inspector,
M.I.D.C. Police Station, Ahmednagar,
Dist. Ahmednagar.

...Respondent

...
Advocate for Applicant : Mr.Aghav Avinash D.
APP for Respondent-State : Mr. A.A.Jagatkar.
...

WITH

BAIL APPLICATION NO. 1730 OF 2022

1. Vikas Raosaheb Netke,
Age; 30 years, Occ; Labour,
R/o; At Post Shendi,
Tq. & Dist. Ahmednagar.
2. Sanjay Rajaram Ghorpade,
Age; 52 years, Occ; Labour,
R/o; At Post Shendi,
Tq. & Dist. Ahmednagar.

...Applicants.

VERSUS

The State of Maharashtra,
Trough Police Station MIDC, Ahmednagar.
Dist. Ahmednagar.

...Respondent.

...
Advocate for Applicant : Mrs. Sarita S. Sabale.
APP for Respondent-State : Mr.A.A. Jagatkar
...

CORAM : S. G. MEHARE, J.

DATE : 23.11.2022.

PER COURT :

1. Heard the learned counsel for the applicants and the learned APP for the respondents-State.
2. The learned counsel for the applicant Nitin Mohan Netake has vehemently argued that no role is attributed to him. There are no allegations of assault by him. There was a counter case. Hence, he has been falsely implicated in the crime.
3. The learned Counsel for the applicants Vikas and Sanjay has vehemently argued that due to counter case, the applicants have been falsely implicated in the crime. The other accused who have played serious role have been granted bail. Nothing is to be recovered from them. The so called injuries sustained to the injured are not on the vital parts. Most of the injured have suffered simple injuries. As per allegations, other accused have caused the injuries. Hence the applicants may be granted bail.

4. The learned APP for State opposed the application and would argue that one witness Balasaheb has suffered two grievous injuries on forearm. The applicants and co-accused were aggressive. They unauthorizedly entered the house of the informant/complainant and caused injuries. They have created a terror. They are the resident of same village. Some of the co-accused threatened the complainant after the present crime was registered. Considering the nature of the incident, the possibility of repeating the crime cannot be ruled out. Hence, the applicants may not be granted bail.

5. As far as, the case of Nitin Mohan Netake is concerned, it has been barely alleged that he entered the house of the complainant along with other co-accused. There are no allegations that he assaulted to anybody or used the weapon. As far as the other applicants are concerned, they have caused the injuries. Considering the injuries caused to the injured Balasaheb, who has received grievous injuries creates a doubt, whether the offence of attempt to commit murder is made out. It appears that both parties were fighting. Both are the accused of the same incident. The necessary investigation has been completed against the applicants. The applicants Nitin, and Vikas are the young boys. Considering the progress in the investigation and facts of the case, it would be

inappropriate to keep them behind bar. Hence, the following order :

- a. The applications are allowed.
- b. Applicant, Nitin s/o Mohan Netake in Bail Application No. 1756 of 2022 and applicant Nos. (1) Vikas Raosaheb Netke, and (2) Sanjay Rajaram Ghorpade in Bail Application No. 1730 of 2022, be released on bail, on furnishing their P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand Only) each, with one solvent surety in the like amount, in CR. No. 689 of 2022, registered with M.I.D.C., Police Station, District Ahmednagar, for the offence punishable under Sections 307, 324, 452, 143, 147, 148, 149 of the Indian Penal Code and under Section 37 (1) and 135 of the Maharashtra Police Act, on the conditions that (a) they shall not contact any of the persons injured and the prosecution witnesses (b) they shall maintain the law and order in the vicinity, (c) they shall refrain themselves from involving in the similar crime.

(S. G. MEHARE)
JUDGE

mahajansb/