

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1853 OF 2022

GAMPYA @ YASHWANT GUNWANT RITAPURE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. M. S. Karad h/f. Mr. S. S. Thombre
APP for Respondent : Mr. V. M. Kagne
...

CORAM : S. G. MEHARE, J.
DATE : 18-11-2022

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondent/State.
2. It appears that the incident has happened between two groups. The allegations levelled against the applicant are that he assaulted one of the injured with wooden bamboo. The applicant is behind bar since 08.10.2022.
3. It has been vehemently argued by the learned counsel for the applicant that considering the role attributed to the applicant, his detention is not required. The injured has not suffered injuries as alleged. Hence, the applicant may be granted bail.
4. The learned A.P.P. for the respondent has opposed the application contending that one of the co-injured has suffered serious injury. It was the incident with premeditation. The possibility of repeating the crime cannot be ruled out. Considering the nature of the crime, it would not be safe to release the applicant on bail.

5. Perused the papers. It has been alleged against the applicant that he has assaulted one of the persons present on the spot with long bamboo stick. Paper does not include the injury report. The material investigation against the applicant appears to have been completed. There are no antecedents to the discredit of the applicant. In that view of the matter, the application deserves to be allowed. Hence, the following order :-

- i) The application is allowed.
- ii) Applicant Gampya @ Yashwant Gunwant Ritapure be released on bail, on furnishing PB and SB of Rs.15,000/- with one solvent surety of the like amount, in C.R.No. 0366 of 2022 registered with Kallam Police Station, Taluka Kallam, District Osmanabad, for the offences punishable under Sections 307, 326, 325, 324, 323, 504, 506 read with Section 34 of the Indian Penal Code, Sections 4 and 25 of the Arms Act and Section 135 of the Maharashtra Police Act, on the conditions that;
 - (a) He shall not tamper with the prosecution witnesses;
 - (b) He shall not enter the place of the residence of the injured/first informant;
 - (c) He shall remain present before the Investigating Officer on every Monday and Thursday between 11.00 a.m. to 01.00 p.m. till filing the chargesheet.

**(S. G. MEHARE)
JUDGE**