

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

41 BAIL APPLICATION NO.1952 OF 2022

1. SHIVRAJ BHAGWAN DHOLE
2. NILKANTH BHAGWAN DHOLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Patil N. P. Jamalpurkar.
APP for Respondent-State : Mr. S. B. Narwade.
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CORAM : S. G. MEHARE, J.
DATE : 12.12.2022

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants did not dispute that the parties are fighting for the road to the field. The incident allegedly happened on 27.10.2022. The hospital, where the injured was admitted on 27.10.2022, immediately reported the MLC to Police Station Omerga. The acknowledgment of MLC report does not bear the date. However, the said MLC report reveals that the injured was admitted to the hospital due to injuries to his right leg caused in accident. The prosecution has no satisfactory reasons for delayed statement of the injured and other witnesses. The prosecution has also no case that the

injured was not in a condition to give the statement immediately after the incident. The injured or any person who had taken the injured to the hospital did not narrate the history of assault as alleged against the applicants. Considering the delay in lodging the FIR, negligence of police in not taking prompt cognizance on MLC report and failure to record the statement of the injured soon after the MLC report, there appears force in the claim of the applicants that a false report might have been lodged against them. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant No.1. SHIVRAJ BHAGWAN DHOLE and applicant No.2. NILKANTH BHAGWAN DHOLE be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.550 of 2022, registered by Police Station Omerga, District Osmanabad, for the offences punishable under Sections 143, 307, 323, 504 and 506 of the IPC, on the condition not to tamper the prosecution witnesses.

(S. G. MEHARE, J.)

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