

(1)

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

**BAIL APPLICATION NO.1864 OF 2022
WITH APPLN/4025/2022 IN BA/1864/2022**

**SHARAD BABAN JAMDAR
VERSUS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mr. Shaikh Mazhar A. Jahagirdar
APP for Respondent No.1/State : Mr. K.S. Patil
Advocate for Complainant : Mr. M.B. Sandanshiv

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CORAM : S.G. MEHARE, J.

DATED : 09th DECEMBER, 2022

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the complainant.
2. The learned counsel for the applicant has argued that there was a free fight in the field of accused. The accused were the owner of the field. However, there was a dispute about the ownership of the said field. The complainant has made false allegations to make the offence serious. The applicant never caused the injuries to the injured with tractor. The allegations in the FIR are insufficient to believe the case of the attempt to murder. A counter report has also been lodged against the complainant and injured. The applicant is a bread winner of his family. The investigation has been completed. Hence, he may be released on bail.

(2)

3. Learned APP and the learned counsel for the complainant would argue that CT Scan report reveals that the injuries were fracture injury though the injury report shows simple injuries. The applicant cannot get parity as his role is not similar to the accused who has been granted bail. The injured has suffered the grievous injury. One N.C. has been registered against the applicant for giving threats. Considering the dispute between the parties, it would be unsafe to release the applicant on bail.

4. Perused the papers. The injury report does not bear the history of assault. It has been alleged that the mother of the first informant suffered the injury when the applicant reversed the tractor. The allegation itself miss the intention. The primary medical evidence shows the simply injuries. It is undisputed that both sides were fighting over the ownership of the field. The applicant has also lodged the report against the complainant and injured about the incident happened on the same day. The father has suffered injuries but it does not inspire the confidence that the injuries were caused to him due to tractor. Taking into consideration the facts in toto, the progress in the investigation and the cause of dispute, it would inappropriate to keep the applicant behind the bar. Hence, the following order :

ORDER

(i) Bail Application is allowed.

(3)

(ii) The applicant, Sharad Baban Jamdar, be released on bail on executing PB. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with Crime No.791 of 2022, registered at Shrigonda Police Station, District Ahmednagar for the offence punishable under Sections 307, 326, 324, 504, 506 r/w 34 of the Indian Penal Code, on the condition that he shall not tamper with the prosecution evidence.

(iii) Criminal Application No.4025 of 2022 is allowed.

(S.G. MEHARE, J.)

Mujaheed//