

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

930 BAIL APPLICATION NO.1721 OF 2021

1. Abhimanuy @ Aaba Vithal Dandnaik
2. Hanumant Vilas Dandnaik
3. Akshay Vilas Dandnaik
4. Vilas Vitthal Dandnaik

...Applicants

Versus

The State of Maharashtra

...Respondent

...

Advocate for Applicants : Shri Anandsingh S. Bayas
APP for the Respondent – State : Shri V. S. Badakh

...

CORAM : M. G. SEWLIKAR, J.

DATED : 25-01-2022

PER COURT :-

1. This is an application under Section 439 of the Code of Criminal Procedure for releasing the applicants on bail in connection with Crime No.0314/2021 under Sections 452, 354, 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code 1860 registered with Dhoki Police Station, District Osmanabad.

2. The allegations in the FIR show that on 25th October, 2021 at 06.30 p.m. there was a quarrel between the applicants and the informant on account of use of the road. On that count on 25th October, 2021 at 06.30 p.m. applicant No.1 assaulted

informant by means of an iron rod on the head of the informant. Applicant No.2 assaulted the informant on head by means of stick. As a result of which, informant fell down. Applicant Nos. 3 and 4 assaulted informant by means of stones. The other accused beat the informant with fist and kick blows. Informant was shifted to the Hospital. He lodged the FIR during hospitalization on 09th November, 2021.

3. When this Court expressed its disinclination to grant any relief to the applicant Nos. 1 and 2, learned counsel for the applicant Shri Bayas sought permission to withdraw the application to the extent of applicant Nos. 1 and 2. Permission granted.

4. So far as the applicant Nos. 3 and 4 are concerned, the allegations against them are that they assaulted the informant by means of stones, as a result of which informant fell down. Injury Certificate is produced by the learned APP. It does not show that the informant had any injury on any part of the body except head. Informant is alleged to have been assaulted by applicant Nos. 1 and 2 on head by means of iron rod and stick. Since there is no injury on the other part of the body except head on the person of the informant, it appears that the case of the applicant Nos. 3 and 4 can be considered for bail.

5. In this view of the matter, following order is passed :

ORDER

- (i) Bail Application No. 1721 of 2021 is partly allowed.
- (ii) Application to the extent of applicant Nos. 1 and 2 stand disposed of as withdrawn.
- (iii) Each of the applicant Nos. 3 and 4 be released on bail on their furnishing PR bond of Rs.15,000/- (Rupees Fifteen Thousand only) with one solvent surety in the like amount in connection with CR No.0314 of 2021 offence under Sections 452, 354, 307, 143, 147, 148, 149, 323, 504, 506 of the Indian Penal Code 1860 registered with Dhoki Police Station, District Osmanabad, on condition that they shall not tamper the prosecution evidence, they shall attend the concerned police station on every Wednesday between 12.00 and 04.00 p.m.
- (iv) It is clarified that the observations made in the above order are restricted to the decision of this application only and the trial Court shall not get influenced by the same and can come to its independent conclusion during trial.

[M.G.SEWLIKAR, J.]

shp/-