

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 526 OF 2022

Yogesh Vithoba Birajdar ..Applicant
Vs.
The State of Maharashtra ..Respondent

Mr. Sagar Tambe i/b. Mr. Ritesh M. Thobde, for the Applicant.
Mr. R. M. Pethe, APP for the Respondent / State.

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**CORAM : C.V. BHADANG, J.
DATE : 10 FEBRUARY 2022
(Through Video Conferencing)**

P.C.

. By this Application, the Applicant – Accused No.1, is seeking bail. The Applicant alongwith others has been chargesheeted for the offence punishable under Section 307, 324, 336 and 504 r/w. Section 34 of IPC, arising out of Crime No.339/2021 of Police Station Akkalkot South, District Solapur Rural.

2. The aforesaid crime has been registered on the basis of complaint lodged by Bhogeshwar Birajdar on 3 June 2021. The incident is alleged to have happened on 2 June 2021, at about 10.00 a.m. It appears that the family of the Applicant and that of the first informant have their agricultural lands adjacent to each other and

there is a dispute as to right of way. According to the first informant, on the date of incident he found that the approach way was being ploughed by the informant which led to the incident of assault on the father of the first informant and others.

3. I have heard the learned counsel for the parties and perused record.

4. On going through the FIR, it *prima facie* appears that the incident had happened at the spur of the moment and there are allegations of assault by fist blows and by pelting of stones. I have also gone through the injury report of the injured. It further appears that there is a counter FIR lodged by the co-accused against the first informant and others. The investigation in this case is complete and the chargesheet is filed.

5. The learned counsel for the Applicant pointed out that there are four Accused and except the present Applicant, all others are released on bail. He also pointed out that the Applicant is a student of D. Pharmacy at RMES College of Pharmacy at Kalburgi, Karnataka and his offline examination is scheduled to be held from 14 February 2022 to 19 February 2022. The Applicant had surrendered before the Investigating Officer on 6 September 2021 and is in custody since then.

6. Considering the over all circumstances, I do not find any justification to detain the Applicant behind bars, pending trial. In the result, the following order is passed.

ORDER

- (i) The Applicant be released on bail in Crime No.339/2021 of Police Station Akkalkot South, District Solapur Rural, on executing a P.R. Bond in the sum of Rs.25,000/- with one or two solvent sureties in the like amount.
- (ii) The Applicant shall undertake to remain present during the course of trial.
- (iii) The Applicant shall not tamper with the prosecution evidence and witnesses.
- (iv) Bail bonds before the learned Sessions Judge.
- (v) The Criminal Application is disposed of, in the aforesaid terms.
- (vi) The parties to act on the authenticated copy of this order.

C.V. BHADANG, J.