

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

926 BAIL APPLICATION NO.22 OF 2023

SHIVAJI MHASUDEV PARDESHI
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. N. S. Ghanekar
APP for Respondents: Mr. S. P. Deshmukh
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CORAM : S.G. MEHARE, J.
DATE : JANUARY 19,2023

PER COURT :

1. Heard the learned counsel for the applicant and learned A.P.P for the respondent-State.

2. It has been alleged that the applicant has assaulted the injured with a sword. However, the sword in the crime is yet not recovered. The blood stained clothes have been recovered from the applicant. The allegations further reveal that two sharp weapons like sickle and the sword have been used in the crime. The medical certificates about the use of the weapons have been collected, but it is uncertain who has assaulted with such weapon. No doubt, the injured has suffered grievous injuries but the weapons allegedly used in the crime have not been recovered. The

applicant is behind bar since last eleven months. It also appears that there is dispute over the land. It has been pointed out that there are many crimes to the discredit of the applicant. The applicant is taking treatment as outdoor patient. The over all facts of this case reveal that both parties have dispute over the land but favourable fact to the applicant is that weapons have not been recovered. Therefore, it is uncertain who used the sword. The charge sheet has been filed. The trial may take its own time. However, certain conditions may be imposed to safeguard the apprehension of the prosecution that the applicant may involve in the similar crime.

ORDER

- i) The application is allowed.
- (ii) Applicant Shivaji Mhasudev Pardeshi, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand) with one solvent surety of the like amount, in Crime No. 395/2021, registered with Belwandi Police Station, Ahmednagar for the offences punishable under Sections 143,147,148,149,307,327,323,504,506, 427 of the Indian Penal Code and section 3/25 of Indian Arms Act on the conditions that :-
 - (a) He shall not tamper with the prosecution witnesses.

(b) The applicant shall not enter village Ghargaon Taluka Shrigonda District Ahmednagar for the period of three months from the date of his release.

(S. G. MEHARE)
JUDGE

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