

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

BAIL APPLICATION NO.177 OF 2023

1. Pradipsinh @ Babbu S/o. Mohansinh Bhardwaj
2. Shubhamsinh S/o. Lokmansinh Bhardwaj
3. Kunalsinh S/o Mukeshsinh Chavan
4. Lokmansinh S/o. Umbarsinh Bhardwaj
5. Bharat S/o. Shankarlal Yadav
6. Chandasinh S/o Shitalsinh Bhardwaj
7. Akshaysinh S/o Mukeshsinh Chavan ...Applicants

VERSUS

The State of Maharashtra

...Respondent

...

Advocate for Applicants : Mr. Rathi Swapnil S.

APP for Respondent/State : Mr. K.S. Patil

...

CORAM : S.G. MEHARE, J.

DATED : FEBRUARY 07, 2023

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The FIR reveals that the first incident happened near one Akhada, that time only four accused were allegedly present and assaulted the injured. Further it has been alleged that when the first informant was taking the injured Jeevansinh to the hospital, other co-

accused were standing in front of house of one Dharamsinh Suryawanshi. The allegations have been levelled that the weapons like sword and sickle were used.

3. Learned counsel for the applicants argued that the investigation officer has concluded that the weapon like sword was not used in the crime. He has referred to the injury report and vehemently argued that the injuries were not on the vital part. The fracture injuries were on hands and legs. He argued that the present applicants were falsely implicated in the crime. The applicants and the complainants are on political rivalry. Only to make the offence serious, the entire family members have been involved in the crime. The weapon allegedly used have been recovered. The applicants are languishing in jail since October 2022. Considering the nature of injuries and completion of investigation, their detention may not be required. They may be granted bail.

4. Learned APP opposed the application. He would point out that the iron rod was used in the crime. The injured have suffered serious injuries. The offence has been committed with conspiracy. The applicants were aggressive. There is possibility of repeating the crime at the hands of the applicants. Considering the gravity of the offence, the application is devoid of merit.

5. Perused the charge sheet. It has been concluded in the investigation that the weapon like sword has not been used. There

were no injuries on the vital part of the body of the injured. The false involvement of the family members due to political rivalry cannot be ruled out. The weapons allegedly used in the crime have been recovered. The applicants are languishing in jail for sufficient time. Nothing is remained to be investigated from them. Considering the facts of the case, the application deserves to be allowed. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount in connection with Crime No.383 of 2022, registered with Kalamnuri Police Station, District Hingoli for the offence punishable under Section 307, 326, 324, 323, 447, 341, 143, 144, 147, 148, 149 of the Indian Penal Code and Section 3 and 25 of the Arms Act, on the condition that they shall not tamper with the prosecution witnesses.
- (iii) The applicants shall not contact the injured till the conclusion of the trial.

(S.G. MEHARE, J.)