

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

BAIL APPLICATION NO.1115 OF 2023

AKASH SHYAM AHIRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicants : Mr. S. S. Jadhav h/f Mr. A.S. Sawant
APP for Respondent: Mr. S. P. Deshmukh

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CORAM : S. G. MEHARE, J.

DATE : 17.07.2023

PER COURT :

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

2. The applicants are seeking bail in Crime No. 116 of 2023 registered with Deopur Police Station, Taluka and District Dhule for the offences punishable under Sections 307, 324, 323, 504, 506 read with Section 149 of the Indian Penal Code.

3. It is admitted fact that both groups have assaulted each other and there were cross cases. The applicants are seeking bail on the ground that false allegations have been leveled against them. They

have not assaulted the injured with knife. However steel pipe allegedly used in the crime has been recovered from applicant Akash. The incident was captured in CCTV footage. Hence, to verify whether the knife was used, the transcript panchnama of the CCTV footage was called, but brilliantly the officer drawing panchnama has avoided to mention specifically as to whether the knife was used in the incident, instead thereof he mentioned that complainant was telling fact of assaulting him with knife by applicant Akash. Such line in the transcript panchnama does not indicate that knife was used in the crime. The bail application is opposed on the sole ground that the knife in the crime has not been seized. Whether knife is used in the crime by the applicants or not is vague fact. Therefore, such a ground opposing bail cannot be considered. So far, the injured is concerned they have been reported discharged. The material investigation against the applicants has been completed. Their detention would serve no purpose. Hence, the order.

ORDER

- i) The application is allowed.
- ii) Applicant No.1 Akash Shyam Ahire and applicant No.2 Kalpesh Shyam Ahire be released on bail on furnishing PB and SB of Rs. 50,000/- each with one solvent sureties of Rs. 50,000/- on the like

amount each in above crime, on the conditions that :

- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall attend the police station as and when called on written notice by the Investigating Officer till filing charge sheet.

(S. G. MEHARE)
JUDGE

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