

(1)

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

**BAIL APPLICATION NO.1132 OF 2023
WITH APPLN/2536/2023 IN BA/1132/2023**

**BABU S/O MADHAV RAMGIRWAR
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicant : Mr. Deshmukh Umakant B.
APP for Respondent/State : Mr. S.B. Narwade
Advocate for Complainant/Assist to PP : Mr. G.L. Deshpande

...

CORAM : S.G. MEHARE, J.

DATED : JULY 20, 2023

PER COURT:-

1. Heard learned counsel for the applicant, learned APP for the State and learned counsel for the injured.
2. The applicant is seeking bail in Crime No.191 of 2023 registered with Bhokar Police Station, District Nanded for the offence punishable under Section 307, 323, 504 r/w 34 of the Indian Penal Code.
3. Admittedly, there were counter reports against each other. The persons from both sides have been injured. They are close relatives. They had a civil dispute over the land. They resides close to each other. The weapon allegedly used in the crime has been recovered. The medical report shows that the injury suffered to the injured was simple.

4. Learned counsel for the injured has vehemently argued that there were around 14 stitches given to the injured. The injury was on the head. The applicant was aggressive. A direction be issued to the investigating officer to bring the medical certificate that it was not a simple injury but a grievous injury. No such directions can be given by this Court. The expert has already opined that it was a simple injury. However, he argued that considering the gravity of the offence, the applicant may not be granted bail.

5. The facts discussed above reveal that it was a dispute between family of the uncle and nephew. Both have assaulted each other. A crime has also been registered against the present injured. The injured has been discharged from the hospital. The material investigation appears to have been completed. Hence, no purpose would be served by keeping the applicant behind bar. However, to avoid further complications, certain conditions may be imposed to safeguard the interest of all. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Babu Madhav Ramgirwar, be released on bail on executing P.B. and S.B. of Rs.50,000/- (Rupees fifty thousand) with one solvent surety in the like amount in connection with the above crime, on the conditions that;

(3)

- (a) The applicant shall not tamper with the prosecution witnesses.
 - (b) The applicant shall attend the concerned police station as and when called on written notice by the investigating officer, till filing the charge sheet.
 - (c) The applicant shall stay away from the Bhokar town for four months from the date of his release. However, he is allowed to attend the police station during this period if called on written notice by the investigating officer till filing the charge sheet.
- (iii) Criminal Application No.2536 of 2023 is allowed.

(S.G. MEHARE, J.)