

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1371 OF 2023
WITH APPLN/3083/2023 IN BA/1371/2023**

1. Uttam S/o Lahu Gurde,
Age: 52 years, Occu. Agri,
R/o. Chighli, Tq. Udgir, Dist. Latur
2. Virkumar S/o Madhav Gurde,
Age: 25 years, Occu. Education,
R/o. As above. ..Applicants

Versus

The State of Maharashtra,
Through Police Station Incharge
Udgir (Rural) Police Station,
Tq. Udgir, Dist. Latur. ..Respondent

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Mr. V. D. Gunale, Advocate for the Applicants.
Mrs. P. V. Diggikar, APP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 21st AUGUST, 2023.

PER COURT:-

1. Heard learned counsel for the applicants and learned APP for the State.
2. The applicants are seeking bail in Crime No.415 of 2023 registered with Udgir (Rural) Police Station, District Latur for the offence punishable under Section 327, 324, 323, 504, 506, 143, 147, 148 and 149 of Indian Penal Code.
3. Mr. Gunale, learned Advocate appearing for the applicants submits that the alleged incident took place on account

of the civil dispute between the parties relating to the agriculture land. The allegations against the applicants are regarding giving blows by using sticks. They are behind the bar for more than one month. There are no criminal antecedents. The investigation is practically over.

4. The learned APP points out that the allegations in the complaint are duly supported by the medical evidence. The certificate shows as many as five injuries inflicted on the body of injured. The applicants had gathered at the place of incident with a common intention. The investigation is still in progress. The release of the applicants is likely to hamper the investigation.

5. Having considered the submissions advanced and after going through the FIR, it is apparent that the complainant and the accused are disputing over the cultivation of agriculture land. The incident took place in the field regarding which the civil litigation is seen between the parties. Although there are allegations regarding assault, looking to the nature of injuries and weapons used, the further custody of the applicants would not be necessary. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant no.1-Uttam Lahu Gurde and application no.2-Virkumar Madhav Gurde be released on bail in Crime No.415 of 2023 registered with Udgir (Rural) Police Station, District Latur for the offence punishable under Section 327, 324, 323, 504, 506, 143, 147, 148 and 149 of Indian Penal Code on executing P.B. and S.B. of Rs.25,000/- (Rs.Twenty Five Thousand only) each with one solvent surety of the like amount on following condition:

a. The applicant shall not tamper with the prosecution evidence in any manner.

(iii). Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2023