

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

924 BAIL APPLICATION NO.1388 OF 2023

RAMESH DIGAMBAR KADAM AND
ANANDA BHAGWAN KADAM
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Ladda Somnath G.
APP for Respondent: Mr. K.S. Patil
Advocate for complainant : Mr. A.M. Gaikwad

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: September 01, 2023

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PER COURT :-

1. By this application, the applicants are seeking regular bail in connection with Crime No.82 of 2023 dated 6.7.2023 registered with Sonkhed police station, District Nanded for the offences punishable under sections 325, 324, 323, 504, 506 r/w 34 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by the Maruti Govind Kadam, who alleges that he was having agricultural land at village Bhendegaon, Tq. Loha at gat no.156. It is alleged that, on 30.6.2023 in the evening at about 7.30 p.m. accused Shrikant Kadam was obstructed by informant from tampering with the common bandh. At that time, he hit the informant using iron rod. Similarly, the applicant-accused Ramesh hit him using the stone and the applicant-accused Ananda hit him using the stick. Investigation was progressed. In pursuance of the

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aforesaid information, the applicants were arrested on 13.7.2023. After completion of the investigation, charge-sheet is filed.

3. Mr. Ladda, learned advocate appearing for the applicants would submit that FIR is lodged after six days of the incident. Admittedly, there is dispute over the boundaries of the land between informant and accused. He would further submit that the accused Gunaji Kadam is already released on bail. The allegations regarding assault that has caused fracture to informant and another are against the juvenile accused. Injuries attributed against the assault by the applicants are simple in nature. He submits that there are no criminal antecedents. Investigation is over. So the applicants be released on bail.

4. Per contra, learned A.P. P. strongly opposes the prayer for grant of bail. He would submit that two injured persons have suffered fractures. The applicants used deadly weapons against injured. There are previous incidents of quarrels between the informants side and accused persons and possibility of similar incidents cannot be ruled out.

5. Learned advocate appearing for the informant would submit that recently three criminal cases have been registered on account of some dispute. In case of release of the applicants, they are likely to commit similar incidents and possibility of the tampering of the evidence cannot be ruled out.

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6. Having considered the submissions advanced, apparently, there is delay in filing the FIR. Although, explanation is given that injured victims were admitted in the hospital, there are other witnesses who had suffered simple injuries and any one could have set law in motion. So far as allegations against the applicants are concerned, they have used stone and sticks to make assault against the informant. Injuries of fractures suffered by the informant and Pundlik cannot be attributed to the assault made by the applicant. No specific criminal antecedents are brought on record, although there is reference of minor criminal cases between the same parties. Since investigation is completed and charge-sheet is filed, further detention of the applicants may not be necessary. However, to secure the interest of the prosecution and to avoid repeated quarrels, some stringent conditions are required. Hence, following order.

O R D E R

- I. Criminal Bail Application is hereby allowed.
- II. The applicant no.1- Ramesh Digambar Kadam and 2- Ananda Bhagwan Kadam be released on bail in connection with Crime No.82 of 2023 dated 6.7.2023 registered with Sonkhed police station, District Nanded for the offences punishable under sections 325, 324, 323, 504, 506 r/w 34 of the Indian Penal Code on furnishing P.B & S.B. of Rs.50,000/- (Rs. Fifty Thousand) **each**, on the following conditions :-

- a] The applicants shall not enter village Bhendegaon, Tq. Loha for the period of six months from the date of this order.
- b] The applicants shall not tamper with the prosecution evidence in any manner.
- c] The applicants shall not repeat the similar offence.
- d] The applicants shall attend the trial without fail.

III. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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