

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

BAIL APPLICATION NO. 1468 OF 2023

1. Satish s/o Chandrahas Bankar

2. Abhiman s/o Chandrahas Bankar

3. Maruti s/o Prabhu Bankar

... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. S. N. Lale Yelwatkar, Advocate for the Applicants

Mr. K. S. Patil, APP for the Respondent/State

...

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 04.09.2023

PER COURT :

1. Heard the learned Advocate for the applicants and learned APP for the respondent/State.
2. At the outset, learned Advocate appearing for the applicants, on instructions, submits that he will not press the application for applicant no.1, namely, Satish s/o Chandrahas Bankar and seeks permission to withdraw the same. Hence, the application to the extent of applicant no.1 is dismissed as withdrawn, with liberty to file fresh application before the Sessions Court after filing of the charge-sheet.

3. The applicant nos.2 and 3 are seeking regular bail in connection with Crime No.111/2023 registered with Lohara Police Station, District, Osmanabad for the offences punishable under Sections 307, 504 read with Section 34 of the Indian Penal Code [for short 'IPC'].
4. The investigation was set in motion on the information/complaint given by one Shrihari Dhanraj Bankar. It is alleged that, on 15/05/2023 while the informant was in the field, the accused persons arrived at the spot and they were asking as to why the complaint has been lodged against them with the Police Station, Lohara. There was exchange of words. The applicant no.2 – Abhiman caught hold the left hand of the informant. Similarly, applicant no.3 – Maruti caught hold the right hand of the informant. It is further alleged that, the other accused has given a blow by using an axe on head of the informant. Learned Advocate appearing for the applicants would submit that there is dispute over the road between the family of the informant and the accused persons. The civil dispute is pending. Even attempts were also made to reconcile before the Mahatma Gandhi Gram Tanta Mukti Samiti Dhanuri. He would submit that in fact, accused no.1 – Satish was severely beaten by the informant and his family members in the morning and the present FIR is lodged after two days regarding the alleged incident dated 15/05/2023. Therefore, he submits that in absence of specific allegations against the applicants regarding participation in the assault, further detention of the applicants would not be necessary.

5. The learned APP opposes the prayers. He would submit that the medical certificate would show that the informant has suffered grievous injury so also two abrasions. The participation of the applicants in the commission of offence cannot be ruled out. Hence, he urge to dismiss the application.
6. Having considered the submissions advanced, apparently, the allegations regarding the main assault by which the informant has suffered head injury is against the accused no.1 – Satish. There are no specific allegations against applicant nos.2 and 3 except that they had caught hold the hands of the informant. There is no allegations that they have assaulted the informant. Apparently, there is a delay of two days in lodging the FIR. The possibility of introducing improved version cannot be ruled out. There is civil dispute between the parties. Therefore, the possibility of a false implication cannot be ruled out. In that view of the matter, no purpose would serve by further detention of the applicants, who are behind the bars since 26/07/2023. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant nos.2 and 3, namely, Abhiman s/o Chandrahas Bankar and Maruti s/o Prabhu Bankar be released on bail in connection with Crime No.111/2023 registered with Lohara Police Station, District, Osmanabad for the offences punishable under Sections 307, 504 read with Section 34 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.25,000/- (Rs. Twenty Five Thousand only) on the following conditions:

(a) The applicants shall not tamper with the prosecution witnesses/evidence and shall co-operate in the investigation.

(iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer