

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

942 BAIL APPLICATION NO.1488 OF 2023

**RAJENDRA YADAV DHANGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA**

...

Advocate for Applicants : Mr. Deepak D. Choudhari
APP for Respondents: Mr. K.S. Patil.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 5th SEPTEMBER, 2023

ORDER :-

The applicants are seeking bail in connection with crime No. Crime No. 151 of 2023 registered with police station Faijpur, Dist. Jalgaon for the offence punishable under Sections 324, 323, 504 r/w. 34 of IPC.

2. At the outset, Mr. Deepak Chaudhari, learned advocate for the applicants submits that he do not wish to press the application for applicant No.1 Rajendra and requests to consider the plea of bail for applicant Nos. 2 and 3. In that view of the matter, the application, to the extent of applicant No.1 is disposed of as withdrawn with liberty to file fresh application after filing charge sheet.

3. The investigation was set in motion on the basis of the information given by one Harshal Sable alleging that there is a dispute between his uncle/the accused No.1 and his father regarding ownership of the plot purchased by grand-father. It is alleged that on 10.7.2023 accused persons abused his parents. Accused Nilesh was holding a stick

in his hand. Accused No.1 took that stick and hit informant below the eye on the face of the informant. The accused Dinesh was holding a spade and hit on head of the informant. Thereafter, they were separated.

3. On the basis of the information, Crime No. 151 of 2023 came to be registered. Initially, offence was registered under Sections 324, 323, 504 r/w. 34 of IPC. Subsequently, charge under Section 326 is added. The applicants have been arrested on 1.8.2023. Since then, they are behind bars. The prayer of the applicants for release on bail has been rejected by the learned Sessions Judge, Bhusawal vide order dated 8.8.2023. Hence, this application.

4. Mr. Deepak Chaudhari, learned advocate for the applicants submits that admittedly, there is a civil dispute between the parties. The applicants themselves presented in the police station. The recovery of alleged weapon is made on the same day under Section 165 of the Cr.PC. He would further submit that looking to the type of the weapon used, section 326 would not attract. At the most, case can be made out under Section 324 of IPC. He would further submit that further detention of the applicants is not necessary and hence, the applicants be released on bail.

5. Learned APP, on the other hand, opposes the application on the ground that the informant suffered fracture of nasal bone. The injury certificate clearly suggest the same. The applicants are likely to repeat similar offence in case they are released on bail.

6. Having considered the submissions advanced, it can be observed that there is a civil dispute pending between the parties. Going by the allegations in the FIR, applicant No.1 Rajendra is alleged to have given blow of stick on the face of the informant. Injury certificate

suggest that fracture of nasal bone is attributable to such injury. So far as applicant Nos. 2 and 3 are concerned, it is alleged that they have used the stick and inflicted blow on informant but the injuries are not on the vital part.

8. Considering the allegations against the applicant Nos. 2 and 3 and nature of injuries suffered by informant and the fact that they are behind bars since 1.8.2023, further detention of the applicant Nos. 2 and 3 would not be necessary. However, so as to secure interest of the prosecution, certain conditions can be imposed. Hence, the following order :-

: O R D E R :

- (I) The application to the extent of applicant Nos. 2 and 3 is allowed.
- (ii) Applicants – Nilesh Rajendra Dhangar and Dinesh Rajendra Dhangar, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- each with one solvent surety of the like amount, in aforementioned crime registered with aforementioned police station on the following conditions :-
- (a) They shall not tamper with the prosecution witnesses.
- (b) They shall not enter village Hingona, Taluka Yawal, Dist. Jalgaon till filing of charge sheet.
- (c) They shall attend the trial on each and every effective date.
- (d) They shall visit the police station, once in a week, i.e. on every Friday between 10.00 a.m. to 2.00 p.m. till filing of charge sheet.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-