

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

**BAIL APPLICATION NO.1380 OF 2023
WITH
CRIMINAL APPLICATION NO.3084 OF 2023**

1. Mahadev @ Madhav Lahu Gurude
Age: 55 yrs, Occu: Agri.
R/o. Chighli, Tq. Udgri, Dist. Latur

2. Vasant s/o Kantrao Patil
Age: 40 yrs, Occu: Agri.,
R/o. As above

... Applicants

Versus

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

..Respondent

...

Mr. A. N. Sabnis, Advocate for the Applicants
Mr. K. S. Patil, APP for Respondent/State
Mr. R. D. Gaikwad, Advocate for the Informant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 30.08.2023

PER COURT:-

1. The applicants are seeking regular bail in connection with Crime No.415/2023 registered with Udgir Rural Police Station, District Latur for the offences punishable under Sections 327, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code.

2. The investigation was set in motion on the complaint / information given by one Dhanaji Sarjerao Jadhav dated 02/07/2023. In nutshell, it is alleged that, the informant is a Teacher and also cultivates the agricultural land. On 30/06/2023, while he was in the field at village Chigli, accused persons were found sowing by using a tractor. When the informant obstructed them, the accused persons attacked him. The applicant no.1 – Madhav Gurude gave a blow using handle of axe on his head and applicant no.2 – Vasant Patil assaulted him by kick and fist blows. It is further alleged that even thereafter, the accused persons continued to beat him by kick and fist blows.
3. The applicants have been arrested in pursuance of the aforesaid FIR on 11/07/2023 and since then they are behind the bars. They were remanded to police custody from 14/07/2023 till 15/07/2023. The incriminating articles are recovered from the applicants during the police custody.
4. Learned Advocate appearing for the applicants would submit that there is dispute over the cultivation of agricultural land between the family of informant Sonabai. The land is standing in the name of father of the informant. The said land is given in compromise to one Sonabai and Chetan Jadhav. The accused persons are cultivating the land at their instance. It is submitted that the false allegations are levelled in the FIR. Previously also, the false cases have been filed.

The investigation is practically over. The custodial interrogation of the applicants would not be necessary. Hence, he urge to release them on bail.

5. Learned APP and learned Advocate appearing for the informant vehemently oppose the application. It is pointed out that the medical record is in-consonance with the allegations in the FIR. The informant has suffered as many as five injuries, which are result of assault by the applicants. The learned Advocate appearing for the complainant submits that as many as six criminal cases are pending against the applicants. He also points out the conduct of the applicants and submits that the release of the applicants is likely to hamper smooth trial. Further repeatation of the similar incident cannot be ruled out.
6. Considering the submissions advanced, apparently, there is a dispute over the cultivation of the agricultural land. It is true that, there are allegations against the applicants and there is supporting medical evidence to substantiate such allegations. However, the alleged offences are not punishable with life imprisonment or death. The investigation is practically over. The incriminating articles are already recovered. Further detention of the applicants would not be necessary. However, to secure the interest of prosecution, stringent conditions are required to be imposed. Resultantly, the case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, namely, Mahadev @ Madhav Lahu Gurude and Vasant s/o Kantrao Patil be released on bail in connection with Crime No.415/2023 registered with Udgir Rural Police Station, District Latur for the offences punishable under Sections 327, 324, 323, 504, 506, 143, 147, 148 and 149 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs. Fifty Thousand Only) each on the following conditions:
- a. The applicants shall not enter the village Chigli and Bhakaskheda, till filing of charge-sheet.
 - b. The applicants shall visit the concern police station once in a week i.e. on every Thursday between 10:00 am to 2:00 pm.
 - c. The applicants shall not tamper with the prosecution witnesses/evidence in any manner.
 - d. The applicants shall attend the trial on the given dates.
 - e. The applicants shall not repeat the similar offence.
 - f. Breach of any condition shall entail cancellation of bail.
- iii) Bail Application is disposed of.

[S. G. CHAPALGAONKAR]
JUDGE