

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

**BAIL APPLICATION NO.1442 OF 2023
WITH
CRIMINAL APPLICATION NO.3225 OF 2023**

1. Khandappa s/o Ram Aglave
2. Sagar Khandappa s/o Aglave
3. Ram s/o Tukaram Jawlage
4. Suraj Ram Jawlage
5. Rameshwar Shantappa Jawlage
6. Siddheshwar Somnath Palashe
7. Sanjay Vitthal Karke
8. Basweshwar Dattaraya Kunhale
9. Gulab Shivaji Kunhale

... Applicants

Versus

The State of Maharashtra

... Respondent

...

Mr. S. N. Patne, Advocate for the Applicants
Mr. K. S. Patil, APP for the Respondent/State
Mr. N. G. Talekar, Advocate for the Informant

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 30.08.2023

PER COURT :

1. The learned Advocate for the applicant/s, on instructions do not press application for applicant no.9 – Gulab s/o Shivaji Kunhale. Application to the extent of applicant no.9 is disposed of as withdrawn.
3. The applicants are seeking regular bail in connection with Crime No.359/2023 registered with Omerga, Police Station, District Osmanabad for the offences punishable under Sections 143, 147, 148, 149, 452, 326, 324, 323, 427, 504, 506 and 436 of the Indian Penal Code.
4. The investigation was set in motion on the complaint given by Govind Vyankat Jewale. It is alleged that, on 19/07/2023 while the informant along with other family members were gathered together in a teed-shade beside their house, suddenly, the accused persons named in the FIR arrived at the spot. They were holding iron rod/pipe in their hands and raised attack against the family members of the informant. It is alleged that all of them suffered injuries due to such brutal attack. The FIR specifically mentions that accused – Dagdu Laxman Aglave was holding a rod in his hand and gave a blow to the complainant. Similarly, there is a specific allegations against the applicant no.9 – Gulab Kunhale regarding assault using the rod against the daughter of the informant. The allegations against the other persons are general and no specific role is attributed against any one of them. Based on the information, the offence has been registered

against in all twenty accused persons named in the FIR. The accused persons are arrested on 20/07/2023. They were remanded to police custody and recovery of incriminating articles is made.

5. Mr. Patne, learned Advocate appearing for the applicants would submit that there is civil dispute between the parties regarding the ownership of a plot. He invites attention of this Court to the documents showing such dispute. He would submit that the false allegations are made in the FIR and entire family is falsely implicated in the crime. He would further submit that the investigation in the matter is practically over. Further detention of the applicants would not be necessary. Hence, he urge to grant bail to them.
6. Per contra, learned APP Mr. Patil and learned Advocate appearing for the informant vehemently oppose the prayers. By inviting attention of this Court to photographs of the injured person, it is submitted that, the brutal attack has been made even on ladies and children. Learned APP invited attention of this Court to the injury certificate and contends that the allegations in the FIR are corroborated by medical evidence. He would therefore submit that the applicants are not entitled for grant of bail.
7. Having considered the submissions advanced, apparently, there is civil dispute between the family of the informant and the accused persons. Even there are counter complaints regarding the incident in question. The perusal of FIR would show that there

are specific allegations regarding assault against the accused – Dagdu and applicant no.9 – Gulab. However, so far as the other applicants are concerned, the allegations are in general nature and no specific role has been attributed against them. The investigation in the matter is practically over. In that view of the matter, the case is made out to grant bail to applicant nos.1 to 8 subject to certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, namely, (1) Khandappa s/o Ram Aglave, (2) Sagar Khandappa s/o Aglave, (3) Ram s/o Tukaram Jawlage, (4) Suraj Ram Jawalage, (5) Rameshwar Shantappa Jawalge, (6) Siddheshwar Somnath Palashe, (7) Sanjay Vitthal Karke and (8) Basweshwar Dattaraya Kunhale be released on bail in connection with Crime No.359/2023 registered with Omerga, Police Station, District Osmanabad for the offences punishable under Sections 143, 147, 148, 149, 452, 326, 324, 323, 427, 504, 506 and 436 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 applicant nos.1 to 8 shall not enter village Ekurga, Taluka Omerga, District Osmanabad till filing of charge-sheet.
 - b) They shall visit concerned Police Station once in a week i.e. on every Friday between 10:00 am to 1:00 pm till filing of charge-sheet.

- c) They shall not tamper with the prosecution witnesses/ evidence in any manner.
- d) They shall not indulge in any other similar criminal activities.

(iii) Bail Application is disposed of accordingly.

[S. G. CHAPALGAONKAR]
JUDGE

Sameer