

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

932 BAIL APPLICATION NO.1592 OF 2023

BAPURAO UTTAM KHARADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Miss Ashwini Lomte
h/f. Mr. Salunke Sudarshan J
APP for Respondents: Mr. S.B. Narwade.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 26TH SEPTEMBER, 2023

ORDER :-

The applicants seek regular bail in connection with Crime No. 345 of 2023 dated 26.7.2023 registered with police station Ashti, Dist. Beed, for the offence punishable under sections 307, 326, 325, 323, 504, 506 r/w. 34 of IPC.

2. The investigation has been set in motion on the basis of the information given by one Dattatray Sahebrao Kharade. He states that on 24.7.2023, at about 9.00 a.m. while he was in his field situated at Survey No. 354, the accused persons were found disturbing the Bandh. When the informant attempted to prevent them, it is alleged that accused Bapurao pushed him and made him to fall on the ground. At the same time, accused Sandeep assaulted him using the stone. It is alleged that on account of such assault, he suffered injuries on his head. The applicants have been arrested in pursuance of the aforesaid offences on 27.7.2023. Their prayer for grant of bail has been rejected by the learned Sessions Judge, vide order dated 25.8.2023. Hence, this application.

3. The learned counsel for the applicants would submit that there is a civil dispute on account of agricultural land between the family of informant and the accused. She would invite attention of this court to the non-cognizable case registered on 24.7.2023 against the informant at the instance of accused persons. She would submit that although the incident is dated 24.7.2023, the present FIR is filed on 25.7.2023 and an attempt is made to involve all the family members. As such, she would submit that a false case of assault is sought to be made against the applicants. Hence, urges for grant of bail.

4. Mr. Narwade, learned APP opposes the prayer. He would invite attention of this Court to medical record showing grievous injury on the head of the informant and because of that, the informant was required to be hospitalized for medical assistance in the ICU. He would submit that there is a clear role attributed against the applicant Sandeep, who assaulted the informant using stone. The medical evidence corroborates with the ocular evidence. Therefore, he urged to reject the application.

5. Having considered the submissions advanced, and perusal of the FIR shows that the allegations against the applicant No.1 is that he pushed the informant and made him to fell down on the ground. Further allegations of assault are against the co-accused Sandeep. Apparently, there is a civil dispute between the family of the applicant and the informant. The lodging of FIR is delayed. Considering the role attributed against the applicant, his further detention would not be necessary, a case is made out for grant of bail so far as applicant No.1 is concerned.

6. At this stage, learned advocate for the applicants, on instructions, submits that she would not press the application so far as applicant No.2 is concerned, and seeks permission to withdraw the application of applicant No.2 with liberty to file fresh application after Sessions Court after filing of charge sheet.

7. Hence, the following order :-

: O R D E R :

- (i) The application so far applicant No.1 is allowed.
- (ii) The application, to the extent of applicant No.2 Sandeep @ Nana Bapurao Kharade is disposed of as withdrawn with liberty to file fresh application after charge sheet.
- (iii) Applicant – Bapurao Uttam Kharade be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- with one solvent surety of the like amount, in crime No. 345 of 2023 registered with police station, Ashti, Dist. Beed on the following conditions :-
 - [a] The applicant shall not tamper with the prosecution evidence.
 - [b] The applicant shall not repeat similar offence.
 - [c] He shall visit the concerned police station once a week on every Friday between 10.00 a.m. to 2.00 pm. till filing of charge sheet.
 - [d] Application stands disposed of accordingly.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-