

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO.1731 OF 2023

1. Shubham S/o Bhaskar Tribhuvan
2. Amol S/o Baliram Waghmare Applicants
Versus
The State of Maharashtra Respondent

.....
Mr. D.R. Gavhad, Advocate for the Applicants
Mr. S.P. Deshmukh, APP for Respondent-State
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[CORAM : S. G. CHAPALGAONKAR, J.]

DATE : 17th OCTOBER, 2023

ORDER :

1. The applicants seek regular bail in connection with Crime No.0267 of 2023 registered with Pundlik Nagar Police Station, Aurangabad, District Jalgaon for the offences punishable under sections 307, 324, 323, 143, 144, 146, 147, 148, 149, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act.

2. The informant Raju Pathade lodged report that while he was in the market place near Mehersingh College, the accused persons arrived at the spot. Accused Nitin Jadhav and others called him and asked as to what he was telling to Nitin Kedar and why he left the place. Thereafter, suddenly accused Nitin Jadhav took out the chopper and inflicted blows on his right chic. Similarly, accused Sonu Banpure and Prem Sapate inflicted blows on his chest and back. Accused Suraj Khandagale also inflicted blow of knife on his thigh. It is

alleged that the applicants i.e. Shubham Tirbuvan and Amol Waghmare and other accused persons assaulted him by fists and kicks.

3. On the basis of the aforesaid information, the offence in Crime No.0267 of 2023 came to be registered at Pundlik Nagar Police Station at Aurangabad. The applicants are arrested on 20/07/2023 and since then, they are behind the bars.

4. Learned advocate for the applicants submits that although the applicants are named in the F.I.R., no role is attributed against them as regard to serious injuries suffered by the informant. The applicants are behind the bars for more than 2½ months. There are no criminal antecedents.

5. Learned APP pointed out that the informant has suffered as many as five serious injuries. Section 149 of the Indian Penal Code is invoked. The presence of the applicants is recorded in the F.I.R., so also, the applicants played active role in commission of offence. Hence, he urges to reject the application.

6. Having considered the submissions advanced, apparently, the applicants are named in the F.I.R., however, there is no allegation that they were holding any weapon in their hand. The allegation employed against them is that the applicants have gave fists and kicks blows to the informant. Such allegations are omnibus in nature. Even from medical record, corroboration of such allegations is not seen. The applicants are behind the bars for approximately three

months. There are no criminal antecedents. Considering the role attributed against the applicants, a case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicants – SHUBHAM BHASKAR TRIBHUVAN AND AMOL BALIRAM WAGHMARE be released on bail in connection with Crime No.0267 of 2023 registered with Pundlik Nagar Police Station, Aurangabad, District Jalgaon for the offences punishable under sections 307, 324, 323, 143, 144, 146, 147, 148, 149, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act on furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand) each, on the following conditions :-
 - [a] The applicants shall not tamper the prosecution evidence.
 - [b] The applicants shall visit the concerned police station once in a week i.e. on every Friday between 10 am to 2 pm till filing of the charge-sheet.
- iii. Bail application is accordingly disposed off.

**[S. G. CHAPALGAONKAR]
JUDGE**