

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

20 BAIL APPLICATION NO.2022 OF 2022

1. JYOTIRAM @ BAPU DEVIDAS MALI

2. SANTOSH DEVIDAS MALI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Kore Ganesh J
APP for Respondents-State : Mr. S. P. Deshmukh.

...

CORAM : S. G. MEHARE, J.

DATE : 02.01.2023

PER COURT :-

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.

2. It has been alleged against the applicant Jyotiram that he assaulted one Pandurang Jadhav with an axe on his head and applicant Santosh assaulted one Pandurang Nagmode with stick.

3. Learned counsel for the applicants would submit that the alleged weapons have been recovered. The material investigation against the applicants has been completed. The applicants have been falsely implicated in the crime for creating a way in the field. If there was obstruction, the injured had a remedy to file an execution proceeding before

the Tahsildar. The injuries suffered by the injured were simple. It appears that there was no intention to kill. There are no antecedents to their discredit. Hence, they may be released on bail.

4. Learned APP would argue that the injury is not material to attract Section 307 of the IPC. The intention is to be gathered from the overt act of the accused. Though the injuries were simple, the weapons were dangerous. The applicants disobeyed the orders of the Tahsildar. There may be possibility of repeating the crime. Hence, they may not be granted bail.

5. Perused the papers produced by the learned APP. It seems that the applicants and injured had loggerhead over the dispute of the way for the field. However, the injured suffered simple injuries. Injured were immediately discharged from the hospital. The weapons allegedly used in the crime have also been recovered.

6. Considering the nature of the quarrel and material progress in the investigation, the applicants deserve bail. However, the apprehension of the prosecution of repeating the crime may be guarded by imposing certain conditions. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicant No.1. **JYOTIRAM @ BAPU DEVIDAS MALI** and 2. **SANTOSH DEVIDAS MALI** be released on bail on furnishing PB. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety of the like amount each, in Crime No.398 of 2022, registered by Police Station Tuljapur, District Osmanabad, for the offences punishable under Sections 143, 147, 148, 149, 307, 324, 504, 506 of the IPC, on the following conditions :
- (a) They shall not enter the village where the incident happened for one week from the date of their release.
- (b) They shall not tamper with the prosecution witnesses.

(S. G. MEHARE, J.)

...

vmk/-