

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

32 BAIL APPLICATION NO.2040 OF 2022

ASHITOSH S/O. NITIN @ BALU SHINDE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. Sushant Baburao Choudhari
APP for Respondent State: Mr. S. P. Sonpawale

CORAM : S. G. MEHARE, J.
DATE : 2nd JANUARY, 2023

ORDER:

1. Heard learned counsel for the applicants and learned APP for the State.
2. It has been alleged against the applicants that they went to the house of the injured and took him on motorbike under the Ramling Bridge. Then the applicants and other co-accused started assaulting him. The cause for assault was that the injured was following sister of the applicant- Ajay. It has been alleged that the applicant Ashitosh assaulted the injured with stone and applicant Ajay has applied sword to his neck.
3. It is not in dispute that the said weapons have been recovered from the applicants. The injured has been discharged. The incident happened on 08.08.2022 and the statement of the injured was rerecorded on 12th August, 2022.

4. Perusal of the record reveals that the role attributed to the applicants are limited. No injuries were caused to the injured with sword. The prosecution has no other witness except the statement of of the first informant/injured. The applicants are behind bars since 17.08.2022. Nothing appears to have been recovered from him. Therefore, the applicants deserve bail. Hence the order:

O R D E R

- i. The bail application is allowed.
- ii. The applicants Ashitosh s/o Nitin @ Balu Shinde and Ajay s/o Uday Shinde be released on bail on executing P. R. and S.B. of Rs.50,000/- each with one solvent surety of the like amount in connection with Crime No. 0164/2022 registered with Osmanabad Rural Police Station, Dist. Osmanabad for the offences punishable under sections 307, 323, 324, 341, 201, 504, 506, 34 of the Indian Penal Code and section 4, 25 of the Arms Act, on the condition that they shall not tamper with the prosecution evidence.

(S. G. MEHARE, J.)

JPChavan