

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

937 BAIL APPLICATION NO.1918 OF 2023

RADHESHAM RAMRAO CHIKHLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Ms. Falguni Kulkarni h/f Mr. C.C.
Deshpande

APP for Respondent : Mr. K.S. Patil

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WITH

BAIL APPLICATION NO.1870 OF 2023

AMOL S/O DEEPAK GHORPADE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. A.S. Tilve
APP for Respondent : Mr. K.S. Patil

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: November 03, 2023

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PER COURT :-

1. The applicants in both these applications are seeking regular bail in connection with Crime No.192 of 2023 registered with Pundlik Nagar police station, Aurangabad District Aurangabad for the offences punishable under sections 143, 147, 148, 149, 307, 452, 323, 504, 506 of the Indian Penal Code.

2. Investigation was set in motion on the basis of information given by Sanjay Badwane, who alleges that on

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26.5.2023 at about 6 pm he was sweeping road in front of his shop, three persons with their motorcycle were standing on the spot. Complainant requested them to make a space for cleaning, however, they continued themselves on that spot. While cleaning, some dust flied on their person. Thereafter, the informant went back to his shop. Suddenly, the accused persons rushed to his shop. The person wearing black colour shirt removed a bamboo stick and started beating on shutter of the shop. Other accused persons beat him by fist and kick blows. Thereafter, they called their companions by giving phone call. On arrival, two more persons, accused, who was wearing yellow colour shirt assaulted sister and wife of the complainant by fist and kick blows. Thereafter, accused Ajay Ragade arrived on the spot and inflicted blows of knife to the informant; while other accused persons had caught hold him. Thereafter, Ajay inflicted blows of knife to Vijay brother of informant and his brother-in-law i.e. Vinod. On the basis of the aforesaid information, crime no.192 of 2023 came to be registered against in all 3 named and 4 unknown accused persons. Investigation progressed. During the course of the investigation, the applicant in BA No.1870 of 2023 has been arrested on 18.8.2023, whereas the applicant in BA No.1918 of 2023 came to be arrested on 13.6.2023. On completion of the investigation, charge-sheet is filed. Plea for grant of bail moved by the applicants has been rejected by the order of the Sessions Court. Hence, this application.

3. Learned advocates appearing for respective applicants would submit that role attributed against the applicants is limited. Applicant Amol appears to have attributed role in assaulting wife and sister of the informant by fist and kick blows. So far as assault on the informant, his brother and brother-in-law is concerned, allegations are against accused no.1-Ajay, who is still absconding. There is no allegation that applicants were holding any deadly weapon in their hand. Hence, they urge that the applicants be released on bail.

4. Learned A.P.P. strongly opposes the prayer for grant of bail. Learned APP submit that specific role is attributed to the applicants. Hence, urges to reject the prayer.

5. Having considered the submissions advanced, and on perusal of the charge-sheet, it can be gathered that, medical evidence on record confirms injuries on the person of the informant, his brother and brother-in-law. All those injuries are attributed to sharp weapon. Those are not result of allegations of assault made by the applicants. Charge-sheet do not contain medical/injury certificate confirming assault on wife and sister of the informant. CCTV footage and script is made part of the charge-sheet. On prima facie consideration of the narration of incident as recorded in the script shows that the applicants have not played any active role in commission of the offence. Investigation is completed. Charge-sheet is filed. Further detention of the applicants would not be necessary. Hence, case is made out for grant of bail. Hence, the order.

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ORDER

- i. Bail Applications are hereby allowed.
- ii. The applicant - Radheshyam s/o Ramrao Chikhle in Bail application No.1918 of 2023 and the applicant Amol s/o Deepak Ghorpade in Bail Application No.1870 of 2023 be released on bail in connection with Crime No.192 of 2023 registered with Pundlik Nagar police station, Aurangabad, District Aurangabad for the offences punishable under sections 143, 147, 148, 149, 307, 452, 323, 504, 506 of the Indian Penal Code on their furnishing P.B.&S.B. of Rs.50,000/- (Rs.Fifty Thousand) by each of them on the following conditions :-
 - a] The applicants shall not tamper the prosecution evidence.
 - b] The applicants shall attend each and every effective date before the trial court.
- iii. Bail applications are accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE.

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