

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
BAIL APPLICATION NO.1919 OF 2023**

SANJAY @ SANDIP VIJAYKUMAR SURYWANSHI
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Satish S. Manale, Advocate for the Applicant.
Mr. S. B. Narwade, APP for Respondents-State.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 07th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.416 of 2023 registered with AUSA Police Station, District Latur for the offences punishable under Sections 143, 147, 148, 149, 323, 307, 341, 324, 327, 504, 506, 427 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by Sukumarbai Saudagar Salunke, who alleges that there is dispute between Bharatbai i.e. her sister-in-law and one Adinath Bodke on account of plot situated at Yakatpur Road AUSA. On 04.10.2023, the informant came to know that the accused Adinath, his son Pandurang alongwith other persons damaged the shed of the Bharatbai and caused her loss worth Rs.50,000/-, so also they have assaulted Bharatbai using koyta i.e. sickle. It is further alleged that the accused Pandurang inflicted blow of knife on right shoulder of Shivshankar, who sustained serious injury.

3. It is further alleged that at about 08.00 pm while the injured persons were shifted to the hospital, accused Adinath intercepted Jeep, accused Pandurang and other persons arrived by motorcycle and again attacked the informant and others. It is

alleged that accused Adinath gave knife blow to the informant, by which she sustained injury on left side rib and left hand. There are further allegations against the other accused persons. So far as allegations against the applicant is concerned, he is alleged to have given fists and kicks blows to the informant and others. The attribution as regards to the role of the applicant is omnibus. On the basis of the aforesaid information Crime No.416/2023 came to be registered with AUSA Police Station, Dist. Latur for the aforesaid offences. The applicant has been arrested on 07.10.2023. Since then, he is behind the bar.

4. Mr. Manale, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated on account of civil dispute between family of informant and family of accused persons. The names of as many as family members of the accused party are falsely implicated in the FIR. He would submit that even considering the contents of the FIR as it is, limited role is attributed against the applicant. The applicant is not attributed with the allegation of causing any bleeding injury to the victims of assault. He would, therefore, urge that further detention of the applicant would not be necessary.

5. The learned APP strongly opposes the prayer for grant of bail.

6. Having considered submissions advanced and after going through the investigation papers, it is apparent that the narration of the incident in the FIR is divided in two parts. First part relates to the incident that took place at 01.15 noon with allegation regarding assault of knife by Adinath. No role is attributed against the applicant in first part of the incident. Second part of incident is stated to be at around 08.00 pm,

wherein omnibus allegations are made against each of the accused persons. The role against applicant is that he gave fists and kicks blows to the informant and others. The applicant was holding any weapon in his hand. He is not attributed specific role of causing injury to the particular person. The applicant is behind the bar from 07.10.2023. Considering the nature of the allegation against the applicant and limited role his further detention would not be necessary. Hence, case is made out for grant of bail. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Sanjay @ Sandip S/o Vijaykumar Suryawanshi be released on bail in Crime No.416 of 2023 registered with AUSA Police Station, District Latur for the offences punishable under Sections 143, 147, 148, 149, 323, 307, 341, 324, 327, 504, 506, 427 of the Indian Penal Code on furnishing P.B. and S.B. of Rs.50,000/- (Rs.Fifty Thousand only) each on following condition:
 - a. The applicant shall not tamper with the prosecution evidence in any manner.
 - b. The applicant shall attend each and every effective date before the Trial Court.
 - c. The applicant shall attend concerned police station once in a week i.e. on every Monday between 10.00 am to 02.00 pm till filing of the charge-sheet.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE