

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

BAIL APPLICATION NO.1938 OF 2023

DNYANDEO @ NARAYAN SURYABHAN LASHKARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Adinath B. Jagtap
APP for Respondents: Mrs. P.J. Bharad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 5th DECEMBER, 2023

ORDER :-

1. The applicants seek regular bail in connection with Crime No. 959 of 2023 registered with Newasa police station, Dist. Ahmednagar for the offences punishable under Sections 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of IPC and under Section 37(1), 37(3), 135 of the Maharashtra Police Act.

2. The investigation has been set in motion on the basis of the complaint given by Rajendra Jalindar Lashkare, who alleges that on 27.9.2023, the procession of Lord Ganesha Immersion was going on. While the procession reached Hotel Krushna, the accused/applicant Dnyandeo asked the driver of the tractor to proceed further. The informant intervened altercation. At that time, accused Dnyandeo threatened, hurled abuses and slapped the informant. It is further alleged that at about 9.00 p.m. accused Dnyandeo Suryabhan Lashkare, alongwith other accused arrived at the spot holding iron rods, hockey sticks and wooden logs etc. Accused Dnyandeo attempted assault on

head of the informant. However, it missed causing injury on right shoulder of the informant. It is further alleged that accused Hrushikesh inflicted injury of knife on his head. It is further alleged that accused Sunil Sanjay Shinde (Applicant No.2) assaulted him by hockey stick. On the basis of such information, the offence stated above has been registered. The applicants have been arrested on 6.10.2023. The prayer of the applicants for grant of bail has been rejected by the Sessions Court vide order dated 21.10.2023.

3. The learned counsel for the applicants would submit that the applicants have been falsely implicated in the aforesaid crime. There was no motive to cause injury to the informant. Omnibus allegations are made against the applicants. The investigation in the matter is complete. Further detention of the applicants would not be necessary. As such, he urges to release the applicants on bail.

4. The learned APP strongly opposes the prayer for grant of bail. The applicants are named in the FIR. Specific role is attributed against them. They were holding deadly weapons in their hand. Allegation in the FIR is supported by medical evidence. The victims have suffered serious injury. They were required to be admitted in hospital for 3 to 4 days. She would also point out that there are criminal antecedents against the applicants.

5. Having considered the submissions advanced, it is apparent that there are allegations against the applicants regarding assault on the informant and causing injuries. Applicant No.1 Dnyandeo is alleged to have caused injury of knife on shoulder of the informant whereas

applicant No.2 is alleged to have caused injury using hockey stick. Perusal of the medical certificate of the informant shows that he has suffered simple injuries on the occipital region (scalp). Object used is shown to be hard and blunt. Injury on right shoulder appears to have been simple in nature caused by hard and blunt weapon/object. Other two injuries are also attributed to hard and blunt weapon and both the injuries are simple in nature. Another victim Kundlik appears to have received two injuries. Both of them are attributed to hard and blunt object and they are simple in nature.

6. Prima facie, the medical evidence on record appears to be inconsistent with the assertions in the FIR. Although the applicant is alleged to have used knife, injuries appearing on the person of the injured are attributed to hard and blunt object. Applicant No.2 is alleged to be holding hockey stick in his hand. There is no serious injury that can be attributed to use of hockey stick. The applicants are behind bars for more than 2 months. The investigation in the matter is practically over. The allegations in the FIR are subject to trial. Further detention of the applicants would not be necessary. Hence, as case is made out for grant of bail.

7.

O R D E R

(i) The application is allowed.

(ii) Applicants (1) Dnyandeo @ Narayan Suryabhan Lashkare and (2) Sunil @ Sunny Sanjay Shinde, be released on bail on furnishing P.B. and S.B. of Rs. 50,000/- (rupees fifty thousand) each, with one solvent surety of the like amount, in connection with Crime No. 959 of 2023 registered with Police Station Newasa Police Station, Ahmednagar, for the offences

punishable under sections 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of IPC and under Section 37(1), 37(3), 135 of the Maharashtra Police Act, on the following conditions.

- [a] The applicants shall not tamper with the prosecution evidence.
- [b] The applicants shall attend the police station once in a week, i.e. on every Monday till filing of charge sheet
- [c] The applicants shall not indulge in similar activities.
- [iii] The application stands disposed of.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-