

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

BAIL APPLICATION NO.1955 OF 2023

YOGESH SHESHRAO DANGE
VERSUS
THE STATE OF MAHARASHTRA

...

Mr. S. S. Jadhav a/w Mr. Niraj P. Chudiwal, Advocate for the Applicant.

Mr. S. P. Deshmukh, APP for Respondents-State.

...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 10th NOVEMBER, 2023.**

PER COURT:-

1. The applicant seeks regular bail in connection with Crime No.520 of 2023 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 337, 338 and 506 of the Indian Penal Code.

2. The investigation was set in motion on the basis of the information given by Panjaksingh Rajput, who alleges that on 27.09.2023 a bullock race was arranged at Lasur Station Tq. Gangapur. He took his pick-up van and another pick-up van of one Shakil Noor Sayyed resident of Virgaon for carrying bullocks and other goods to Lasur Station. He lost bullock race. Eventually Suresh Rajput, Ganesh Rajput resident of Agarsaygaon and Dange Patil Ghodewale, Dhanu Dange resident of Shivrai were celebrating defeat of informant. Therefore, his altercation took place with those persons. It was pacified by Shakil Noor Sayyed. However, accused persons threatened him of dire consequences. It is further alleged that in the evening about

06.30 pm the informant loaded bullocks and goods in the vehicle driven by Yogesh Dukare and boarded vehicle with his companions namely Ajay Rajput, Walmik Jadhav. In other pick-up van Shakil Noor Sayyed, his nephew Ayan Ejaj aged about 12 years and driver Dharmpal Tribhuwan, his son Aryan and few other person resident of Satana were boarded. When both the vehicles were passing towards Vaijapur from Samruddhi Highway and reached to the portion of abutting to habitation of accused Suresh Rajput and Dange Patil, they intercepted vehicle alongwith other 15 to 20 persons, pelted stones on the vehicle and raised assault of sticks and wooden logs. However, driver could manage escape of the vehicle from the spot. On account of said attack Amol Karhale, Ajay Rajput, Walmik Jadhav, who were co-passengers with the informant suffered injuries. The Ayan Ejaj received head injury of broken glass. He was required to undergo brain surgery.

3. On the basis of the aforesaid information Crime No.520/2023 has been registered against accused persons. The applicant has been arrested in pursuance of aforesaid crime on 03.10.2023. He was remanded to police custody till 06.10.2023. Since then, he is behind the bar. His prayer for grant of bail has been rejected by Court of Sessions vide order dated 20.10.2023. Hence, this application.

4. Mr. Jadhav, learned Advocate appearing for the applicant would submit that the applicant has been falsely implicated in the aforesaid crime. Even his name is not appearing in the FIR. Although name of the father and brother of the applicant are specified by the first informant, the applicant's name is missing. However, subsequently, by way of supplementary statement, the name of the applicant is sought to

be implicated. He would submit that FIR is a colorful and over implicating version of the incident. He would submit that infact father of the applicant had suffered severe injuries because of attack in the free-fight of two groups. While his father was taking treatment and applicant was attending him, the police have apprehended them. He would submit that from the contents of the FIR the intention to kill cannot be spelled out. The investigation so far as the applicant is over. His further detention would not be necessary. He would submit that one of the accused i.e. Dhanu @ Dhananjay Dange Patil is already enlarged on pre-arrest bail.

5. The learned APP however strongly opposes the prayer for grant of bail contending that it is a case of unlawful assembly gathered in furtherance of common intention for giving effect to the crime. The indiscriminate attack was raised on the vehicles while passing on Samruddhi Highway. Because of brutal stone pelting, the victim Ayan Ejaj Sayyed aged about 12 years had suffered severe injury and required to be treated in ICU. Therefore, he urges to reject the application.

6. Having considered submissions advanced and on perusal of police papers, it is evidence that the applicant is not named in the FIR. However, his father and brother are specifically named alongwith Rajput brothers. The name of the applicant appears to have been brought on record on the basis of the supplementary statement recorded after three days of the incident. Perusal of such statement shows that the applicant's name is enlisted without alleging specific over-tact against him. Although accused Dhanu @ Dhananjay Dange Patil is specifically named, he has been released on pre-arrest bail. The FIR do not explain injuries suffered by the accused persons.

7. The applicant has been arrested on 03.10.2023. The investigation in the matter is practically over. Further detention of the applicant may not be necessary. Apparently, it is difficult to invoke Section 307 of the Indian Penal Code on the basis of the averments in the FIR. However it would be matter of trial. In that view of the matter, case is made out for grant of bail subject to certain conditions. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicant, Yogesh Sheshrao Dange, be released on bail in Crime No.520 of 2023 registered with Vaijapur Police Station, District Aurangabad for the offences punishable under Sections 307, 143, 147, 148, 149, 341, 337, 338 and 506 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 the concerned police station once in a week i.e. on every Saturday between 10.00 am to 02.00 pm till filing of the charge-sheet.
 - c. The applicant shall not indulge in criminal activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE