

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

**BAIL APPLICATION NO.1883 OF 2023
WITH APPLN/4030/2023 IN BA/1883/2023**

1. Rajendra S/o. Digambar Mane,
Age 73 years, Occu. Agril,
R/o. Bedga, Tq. Omerga,
Dist. Osmanabad.
 2. Bharat S/o. Digambar Mane,
Age 58 years, Occu. Agril,
R/o. Bedga, Tq. Omerga,
Dist. Osmanabad.
- ..Applicants

Versus

The State of Maharashtra,
Through Police Inspector,
Omerga Police Station,
Tq. Omerga, Dist. Osmanabad.

..Respondent

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Mr. Santosh N. Patne, Advocate for the Applicants.
Mr. S. P. Deshmukh, APP for Respondents-State.
Mr. Adinath B. Jagtap, Advocate for the Complainant.

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

PER COURT:-

1. Leave to correct the name of applicant no.1 is granted.
Amendment to be carried out forthwith.
2. The applicants seek regular bail in connection with
Crime No.488/2023 registered with Omerga Police Station, Dist.
Osmanabad for the offences punishable under Sections 307, 324,
327, 143, 147, 148, 149, 427, 323, 504, 506 of the Indian Penal
Code.

3. The investigation was set in motion on the basis of the information given by one Prakash Vishwanath Aashte, who alleges that on his complaint FIR dated 11.08.2023 has been against accused persons for theft of electric motor, cable wires, tin sheet etc. On 05.09.2023, while he was proceeding in his car alongwith his wife, driver Anil and Mahesh Patil, the accused persons intercepted them and raised attack due to which wind shield of his car has been broken. He received multiple injuries in assaulted by means of sticks. Even, accused persons attempted an assault of sickle. When, his wife and others intervened they were also severely beaten and injured. He further alleges that the gold ornaments on his person and cash amount has been snatched by accused. On the basis of such information, Crime No.488/2023 came to be registered with Omerga Police Station. The applicants have been arrested on 11.09.2023. Since then, they are behind the bar.

4. The learned Advocate appearing for the applicants would submit that the false offence has been registered against them on account of previous dispute. He would submit that looking to the nature of injuries, Section 307 of the Indian Penal Code would not attract. The other offences are punishable for less than five years. The applicants are behind the bar for more than two months. The investigation in the matter is complete. Therefore, he seeks release of the applicants on bail.

5. The learned APP as well as the learned Advocate appearing for the complainant vehemently oppose the prayer for grant of bail. They would submit that first informant has suffered grievous injury on account of brutal attack. Even, the wife of the first informant suffered injuries in the attack. The vehicle has been damaged. In case of release of the applicant, the possibility

of recurrence of similar offence cannot be ruled out. Therefore, they urge to reject the prayer for grant of bail.

6. Having considered submissions advanced and on perusal of the material collected during the investigation, it can be gathered that the first informant had suffered injuries. All the injuries are caused by hard and blunt object. There is no injury of sickle or any deadly weapon. Even, there is no injury on vital part. In that view of the matter, whether offence punishable under Section 307 would attract is a matter of trial. Apparently, there is some previous dispute between the informant and the applicants. The applicants have been arrested on 11.09.2023. They were remanded to police custody. During PCR, the incriminating articles like sticks are recovered. The investigation in the matter is almost complete. In that view of the matter, further detention of the applicants would not be necessary. However, to protect the interest of the prosecution, some stringent conditions are required to be imposed. Hence, the following order:

ORDER

- (i) Bail Application is allowed.
- (ii) The applicants, Rajendra S/o. Digambar Mane, Bharat S/o. Digambar Mane, be released on bail in Crime No.488/2023 registered with Omerga Police Station, Dist. Osmanabad for the offences punishable under Sections 307, 324, 327, 143, 147, 148, 149, 427, 323, 504, 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 applicants shall not tamper with the prosecution evidence in any manner.
 - b. The applicants shall attend the 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.

c. The applicants shall not enter village Bedga, Dist. Osmanabad for the period of three months from the date of their release.

(iii) Application is disposed of.

(iv) In view of disposal of Bail Application, Criminal Application No.4030/2023 is allowed and accordingly disposed of.

(S. G. CHAPALGAONKAR)
JUDGE