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905 ba 2003.23 odt

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

BAIL APPLICATION NO.2003 OF 2023
WITH APPLN/4098/2023 IN BA/2003/2023

**TUKARAM ALIAS BHAUSAHEB GUNAJI LANDGE AND OTHERS
VERSUS**

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Dinkar G. Kamble
APP for Respondents: Mr. S.A. Gaikwad.

CORAM : S.G. CHAPALGAONKAR, J.

DATE : 5th DECEMBER, 2023

ORDER :-

1. The applicants seek regular bail in connection with Crime No. 206 of 2023 dated 4.8.2023, registered with Umri Police station, Dist. Nanded for the offences punishable under Sections 326, 324, 323, 504, 506 r/w. 34 of IPC.

2. The investigation was set in motion on the basis of the complaint given by Sheshrao Pandilwad, who alleges that on 3.8.2023, at about 5.30 to 6.00 pm. He was working in his field. At that time, accused persons hurled abuses to him and threatened to kill. Thereafter, accused Bhausahab brought other accused persons and again assaulted the informant. It is specifically alleged that the accused Nagorao Landge assaulted him using stick and other accused persons assaulted him by fists and kick blows.

3. On the basis of aforesaid information offence has been registered against the accused persons. The applicants have been arrested on 18.9.2023. Since then they are behind bars. Their prayer for grant of bail has been rejected by the Sessions Judge, Bhokar vide order dated 25.10.2023.

4. The learned advocate for the applicants would submit that there was some dispute on account of cultivation of land between informant and accused Bhausahab. He would submit that the informant is Gram Sevak of Panchayat Samiti, Naigaon. The applicants have been falsely implicated. The applicants are behind bars for more than 2 months. Further detention of the applicants would not be necessary.

5. Learned APP as well as the learned advocate for the informant strongly oppose the prayer for grant of bail. They would invite attention of this court to the medical certificate which depicts that the informant has suffered grievous injury owing to assault made by accused persons. It is further submitted that release of the applicants may bring recurrence of similar instances. Investigation is in progress. The applicants are likely to create hurdles in smooth investigation as well as trial.

6. Having considered the submissions advanced, apparently, the allegations in the FIR states that initially there was altercation between the first informant and Bhausahab Landge on account of grazing of cattle. Thereafter, other accused persons arrived on the spot. All the accused persons assaulted informant by fists and kick blows. Further there is allegation that accused Nagorao Landge assaulted informant by

stick.

7. At this stage, the learned counsel for the applicants, on instructions, submits that he will not press the application for applicant No.2 Nagorao, with liberty to move after charge sheet is filed. However, persuaded this court to consider the prayer for grant of bail in respect of other applicants.

8. Having considered the submissions advanced, it is evident that the allegations against the applicant Nos. 1,3 and 4 are that they have assaulted the informant by fists and kick blows. There is no allegation that they were holding any weapon in their hand. Learned APP confirms that there are no criminal antecedents to discredit the applicants. The applicants are behind bars for more than 2 months. The investigation in the matter is practically over although charge sheet is yet to be filed. In that view of the matter, a case is made out for grant of bail.

9. O R D E R

- (i) The application is partly allowed.
- (ii) The application, so far applicant No.2 Nagorao Tukaram @ Bhausahab Gunaji Landge, stands disposed of as withdrawn.
- (iii) Applicant Nos. (1) – Tukaram @ Bhausahab Gunaji Landge (3) Udhav s/o. Sonaji Landge and (4) Amol Jakoji Sarode, 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. No. 206 of 2023 registered with Umri Police station, Dist. Nanded for the offences punishable under Sections 326, 324, 323, 504, 506 r/w. 34 of IPC, on the following conditions :-

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[a] The applicant Nos. 1,3 and 4 shall not tamper with the prosecution evidence;

[b] They shall visit police station concerned police station, once in a week i.e. every Saturday between 10.00 a.m. and 2.00 p.m. till filing of charge sheet.

[iv] The application stands disposed.

[S.G. CHAPALGAONKAR]
JUDGE

grt/-