

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

BAIL APPLICATION NO.2054 OF 2023

1. Suresh S/o Dhansing Bedwal @ Rajput,
Age 42 years, Occ. Agriculture,
R/o. Agarsaygaon, Tq. Vaijapur,
Dist. Aurangabad.
2. Ganesh S/o Dhansing Bedwal @ Rajput,
Age 37 years, Occ. Agriculture,
R/o. Agarsaygaon, Tq. Vaijapur,
Dist. Aurangabad.
3. Jagdish S/o Pappu Bedwal,
Age 19 years, Occ. Agriculture,
R/o. Agarsaygaon, Tq. Vaijapur,
Dist. Aurangabad. ..Applicant

Versus

The State of Maharashtra,
through Vaijapur Police Station,
Dist. Aurangabad. ..Respondent

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Mr. N. S. Ghanekar, Advocate for the Applicants.
Mr. K. S. Patil, APP for Respondents-State.

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

PER COURT:-

1. The applicants seek 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 Dharmपाल 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 applicants have been arrested in pursuance of aforesaid crime on 28.09.2023. They were remanded to police custody till 02.10.2023.

Since then, they are behind the bar. Their prayer for grant of bail has been rejected by Court of Sessions vide order dated 06.11.2023. Hence, this application.

4. Mr. Ghanekar, learned Advocate appearing for the applicant would submit that the applicants have been falsely implicated in the aforesaid crime. As per allegations in the FIR a mob of 15 to 20 persons had raised attack on the vehicles of the informant. There was stone pelting by the mob and some persons traveling in the vehicles had suffered injuries. He would submit that narration of the incident would show that there was no intention to kill. Therefore, offence under Section 307 of the Indian Penal Code would not attract in the facts of the case. He would submit that although two children have suffered injuries, they have been discharged. The co-accused person namely Dhanu Dange Patil is released on pre-arrest bail by order of Sessions Court. The accused Yogesh Dange has been granted bail by this Court. He would further submit that the applicants are behind the bar since 28.09.2023 i.e. for more than six weeks. The investigation in the matter is practically over. Further detention of the applicants would not be necessary. There are no criminal antecedents to discredit.

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 submission advanced and on perusal of the police papers, it appears that there was altercation between informant and applicants after declaration of result of bullock race. The allegations in the FIR shows that 15 to 20 accused persons had raised attack on the vehicles while passing from Samruddhi Highway. The allegations against the accused persons are omnibus in nature. Although applicants are named in the FIR, no specific role is attributed against them. In that view of the matter, whether it is a case of unlawful assembly would be the question to be decided during the course of trial. Perusal of the documents shows that two minor victims have suffered injuries. One of them was required to be operated, since he suffered head injury due to broken glass. Aryan has been discharged. Although incident is serious in nature, it is difficult to hold that there is any intention to kill. The other offences are triable by Magistrate and punishable with imprisonment for less than five years. The applicants are behind the bar for more than six weeks. The investigation in the matter is almost complete. Further detention of the applicants would not be necessary. 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 applicants, Suresh S/o Dhansing Bedwal @ Rajput, Ganesh S/o Dhansing Bedwal @ Rajput and Jagdish S/o Pappu Bedwal,, 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 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 Saturday between 10.00 am to 02.00 pm till filing of the charge-sheet.
 - c. The applicants shall not indulge in criminal activity.
- (iii) Application is disposed of.

(S. G. CHAPALGAONKAR)
JUDGE