

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

21 APPLICATION FOR CANCELLATION OF BAIL NO.224 OF 2023

MANOJ SUBHASH PATIL
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. P.M. Nagargoje
APP for Respondent : Mr. A.S. Shinde

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: December 06, 2023

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PER COURT :-

1. By this application, the applicant seeks cancellation of bail granted to respondent no.2 vide order dated 18.10.2023 in crime no.412 of 2023 for the offences punishable under sections 307, 326, 324, 323, 504, 506, r/w 34 of the Indian Penal Code with police station Raver.

2. Learned counsel appearing for the applicant submits that the first informant Manoj Patil as well as his father was seriously assaulted by the accused persons. Respondent no.2 was holding wooden log in his hand and he gave 3 to 4 blows on back of the first informant by which he suffered severe injuries. Similarly, co-accused Amol has mercilessly beaten father of the first informant namely Subhash Patil, who has suffered multiple injuries including fracture. Respondent no.2 Shriram Dhangar and his son were sharing common intention. Their roles cannot be segregated at this stage. As such, submits that release of respondent no.2 at

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the preliminary stage was unwarranted. Therefore, urges to cancel the bail.

3. Having considered the submissions advanced, apparently, allegations against respondent no.2 is regarding assault to the first informant. Respondent no.2 was arrested and subjected to PCR. During that period, a stick is recovered from him. If allegations against respondent no.2 are taken into account in isolated form, the offence under section 323 or 324 can be made out. Allegations regarding serious injuries suffered by father of the first informant are attributed against assault raised by co-accused Amol, who was holding sickle in his hand. He caused fracture injuries by hitting stone on back of the father of the informant. The learned Sessions Judge, in backdrop of aforesaid aspects exercised his discretion to grant regular bail to respondent no.2. In the facts of the case, there is nothing to show that any important piece of evidence is ignored by the Sessions Court or grant of bail was contrary to the principles governing grant of bail under section 439 of the Criminal Procedure Code. No case is made out for interference. Hence, the application stands rejected.

(S. G. CHAPALGAONKAR, J.)

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