

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

7 BAIL APPLICATION NO.2080 OF 2023

JANARDHAN S/O THAKAJI DHEPLE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Rupesh Anil Jaiswal
APP for Respondent : Mr. S.A. Gaikwad

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CORAM : S. G. CHAPALGAONKAR, J.
Dated: December 08, 2023

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PER COURT :-

1. The applicant seeks regular bail in connection with Crime No.0447 of 2023 registered with Khultabad police station, District Aurangabad for the offences punishable under sections 143, 147, 148, 149, 307, 324, 326, 504, 506 of the Indian Penal Code.

2. Investigation was set in motion on the basis of the information given by Deepak Dadasaheb Fatakade, who alleges that there is dispute between his father and cousin uncle namely Kaduba Narayan Fatakade. Once quarrel between the family members was reported to police. On 30.10.2023 at about 4 p.m. accused persons arrived near the house of the informant. Accused applicant Janardhan Dheple alleged to have brought iron rod and inflicted a blow above the right ear of the informant. Second blow hit on his cheek. It is further alleged that accused Naresh, Kaduba Navnath assaulted to brother of the informant, who suffered fracture of nasal bone.

aaa/-

Accused Kaduba, Shobhabai and Janardhan are further alleged to have made assault on parents of the informant. Accordingly, crime no.447 of 2023 came to be registered. The applicant/accused was immediately arrested. Since then he is behind the bar.

3. Mr. Jaiswal, learned advocate appearing for the applicant would submit that applicant has been falsely implicated in the aforesaid crime. In fact, on the basis of the information given by Naresh Fatakade, crime no.446 of 2023 has been registered prior to registration of the present crime against informant and his brother. He would submit that the applicant is behind the bar for about six weeks. Investigation in the matter is practically over. The allegations in the FIR are not sufficient to make out any offence under section 307, 326 of the IPC. He would therefore urges to release the applicant on bail.

4. Learned A.P.P strongly opposes the prayer and submit that there are specific allegations against the applicant, who used deadly weapon in commission of the offence and caused serious injuries to the first informant and his parents.

5. Having considered the submissions advanced, it is apparent that there is civil dispute on account of cultivation of the land in the two groups. Counter complaints are filed, which depicts that it is a case of free fight between two family groups. Turning back to the allegations against the applicant, it could be gathered that he is attributed role of assault only to

the first informant who suffered simple injuries. Injury certificate shows that informant's brother has suffered fracture, however, the applicant has no role in assault to him. It appears that recovery of the incriminating article i.e. stick is shown from the applicant. However, investigation in the matter is practically over. Learned APP confirms that there are no criminal antecedents. Hence, case is made out for grant of bail. Hence, the order.

ORDER

- i. Bail Application is hereby allowed.
- ii. The applicant - JANARDHAN S/O THAKAJI DHEPLE be released on bail in connection with Crime No.0447 of 2023 registered with Khultabad police station, Tq. Khultabad District Chhatrapati Sambhajinagar for the offences punishable under sections 143, 147, 148, 149, 307, 324, 326, 504, 506 of the Indian Penal Code on his furnishing P.B. & S.B. of Rs.50,000/- (Rs. Fifty Thousand), on the following conditions :-
 - a] The applicant shall not tamper the prosecution evidence.
 - b] The applicant shall attend the concerned police station once in a week i.e. on every Monday between 10 am to 2 pm till filing of the charge sheet.
 - c] The applicant shall not enter Khultabad District Chhatrapati Sambhajinagar till filing of the charge-sheet except for attending the police station.

- iii. Bail application is accordingly disposed off.

(S.G. CHAPALGAONKAR)
JUDGE

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