

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

BAIL APPLICATION NO. 2167 OF 2023

**SHRIKANT ALIAS SURYAKANT RAJE MOHAN DHANGAR
VS
THE STATE OF MAHARASHTRA**

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Advocate for Applicant : Mrs. Ansari Asfia Nuzhat
APP for Respondent/State : Mrs. P.J. Bharad

**CORAM : S. G. CHAPALGAONKAR, J.
DATE : 20.12.2023**

PER COURT :

1. The applicant seeks regular bail in connection with Crime No. 688 of 2023 registered with MIDC police station Jalgaon, District Jalgaon for the offences punishable under Sections 307, 326, 324, 504, 506 read with Section 34 of the Indian Penal Code.
2. The investigation has been set in motion on the basis of the information given by Mithun Fakira Pardeshi. It is alleged that on 28.09.2023 while the informant along with his brother and others were present in front of their house, the accused persons were roaming around their house on the motor cycle. The brother of the informant namely Vishal intercepted them and asked why they are doing so. Suddenly, the applicant Shrikant Dhangar took out chopper and gave blows to informant on back and right portion of the waist. The co-accused Durgesh inflicted injury of knife on back of informant's brother Vishal. On the basis of such information Crime No. 688/2023 came to be registered with MIDC Police Station Jalgaon for the offences punishable under Sections 326, 324, 504, 506, read with Section 34 of the Indian Penal Code. However, subsequently, Section 307 of the Indian Penal Code came to be added. The police apprehended applicant on 28.09.2023. Since then he is behind the bar. His

prayer for grant of bail has been rejected by the Court of Sessions vide order dated 20.10.2023.

3. Mrs. Ansari Learned advocate appearing for the applicant would submit that the applicant has been falsely implicated in aforesaid crime. Even assuming the contents of the F.I.R. to be correct, the offence punishable under Section 307 of the Indian Penal Code would not attract in the facts of the case. The incident took place at the spur of moment. The applicant is behind the bar for more than three months. Further detention of the applicant would not be necessary.

4. The learned A.P.P. strongly opposes the prayer. She would point out that the allegations in the F.I.R. are corroborated by medical evidence. The accused persons used deadly weapons and caused injuries to the informant and his brother. The material collected during investigation is sufficient to make out the offences.

5. Having considered the submissions advanced, apparently there are specific allegations against the applicant and co-accused specifying their overt act in commission of the offence. Perusal of the injury certificate of informant Mithun shows that he suffered CLW at lumbar area and on right hand. The nature of the injury is categorized as simple. The applicant has been arrested on 28.09.2023. He was subjected to police custody and the weapon of offence has been recovered. The investigation papers show that formality of filing of the charge-sheet is remained. The learned A.P.P. confirms that no criminal antecedents reported to discredit the applicant. On *prima facie* consideration of the material on record, offence under Section 307 of the Indian Penal Code may not attract in facts of case. In that view of the matter, case is made out for grant of bail with certain conditions. Hence, the following order.

ORDER

- i. Bail Application is hereby allowed.

- ii. The applicant Shashikant Alias Suryakant Raje Mohan Dhangar be released on bail in connection with Crime No. 688 of 2023 registered with MIDC police station Jalgaon, District Jalgaon for the offences punishable under Sections 307, 326, 324, 504, 506 read with Section 34 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 on every Thursday between 10 am to 2 pm till filing of the charge sheet.
 - c] The applicant shall not enter village Raipur Kusumba Jalgaon, Tq. & District Jalgaon for the period of three months from the date of the release.

(S. G. CHAPALGAONKAR, J.)

mkd/-