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

955 BAIL APPLICATION NO.2282 OF 2023

1. Rushikesh Ambadas Lashkare, **...APPLICANTS**
Age-24 years, Occu-Labour,
R/o. Pavan Ganpati Mandir,
Newasa Kh. Tql. Newasa, Dist. Ahmednagar
2. Akash @ Deva Jalindar Lashkare,
Age-24 years, Occu-Labour,
R/o. Sambhajnagar, Newasa Kh.
Tq. Newasa, Dist. Ahmednagar

VERSUS

1. The State of Maharashtra **...RESPONDENTS**
Through Incharge Police Inspector
Newasa Police Station,
Tq. Newasa, Dist. Ahmednagar
2. The Superintendent of Police Ahmednagar

Mr. Adinath B. Jagtap, Advocate for the applicants
Mrs. P J. Bharad, APP for the respondents/State

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 22th DECEMBER, 2023

P. C.

1. The applicants seek regular bail in connection with
Crime No. 959/2023 registered with Newasa Police Station,

Dist. Ahmednagar for the offences punishable under Sections 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code and under Sections 37(1), 37(3), 135 of the Maharashtra Police Act.

2. The investigation has been set in motion on the basis of the complaint given by Rajesh Jalindar Lashkare, who alleges that on 27-09-2023 the procession of Lord Ganesha immersion was going on. While the procession reached Hotel Krushna, the accused asked the driver of the tractor to proceed further. The informant intervened altercation. At that time, accused Dnyandeo threatened, hurled abuses and slapped the informant. It is further alleged that at about 09.00 pm. accused Dnyandeo Suryabhan Lashkare, alongwith other accused arrived at the spot holding iron rods, hockey sticks and wooden logs etc. Accused Dnyandeo attempted assault on head of the informant. However, it missed causing injury on right shoulder of the informant. It is further alleged that accused Hrushikesh inflicted injury of knife on his head. It is further alleged that accused Sunil Sanjay

Shinde (Applicant No.2) assaulted him by hockey stick. On the basis of such information, the offence stated above has been registered. The applicants have been arrested on 06-10-2023. the prayer of the applicants for grant of bail has been rejected by the sessions Court vide order dated 21-10-2023.

3. Learned advocate appearing for the applicants submits that the investigation in the matter is progressed and formality of the charge-sheet is remained. The applicants have no motive to cause injury to the informant. The applicant is behind the bar for more than two and half months. This court released the accused Dnyandeo and Sunil vide order dated 05-12-2023 passed in the Bail Application No.1938/2023 thereby observed that the medical evidence is contrary to the narration given in the FIR. He would therefore urge that the applicants be released on bail.

4. The learned APP strongly opposed the prayer. She would submit that the applicants have named in the FIR with

specific attribution regarding role played by them. Both of them were holding weapons and inflicted injuries on persons of the victim. She would submit that there are criminal antecedents against the applicant Akash.

5. Having considered the submissions advanced and on perusal of the investigation papers it is observed that the first informant Rajendra suffered four injuries. All of them are simple in nature. Narration in the FIR states that the Hrushikesh assaulted informant by knife however corresponding injuries are absent in the medical certificate. Similarly the accused Akash is alleged to have inflicted injury by iron rod on head of Kundalik. The medical certificate of Kundalik shows simple injuries on scalp occipital region.

6. On prima-facie consideration of the medical evidence on record and assertion in the FIR, inconsistency can be observed. Co-accused persons are already enlarged on bail by order of this court dated 05-12-2023. Although criminal

antecedent has been pointed out against the applicant Akash, considering the minimum role in present crime and nature of injuries suffered by victim, further detention of the applicants need not be necessary. Hence, the case is made out for grant of bail. Hence, the following order:-

ORDER

- i] The application is allowed.

- ii] The applicants Rushikesh Ambadas Lashkare and Akash @ Deva Jalindar Lashkare 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. 959/2023 registered with Newasa Police Station, Ahmednagar for the offences punishable under Sections 307, 324, 323, 504, 506, 427, 143, 147, 148, 149 of the Indian Penal Code and under Sections 37(1), 37(3), 135 of the Maharashtra Police Act on following conditions.

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- a] The applicants shall not tamper with the prosecution.
 - b] The applicants shall attend the police station once in a week i.e. on every Monday till filing of the chargesheet.
 - c] The applicants shall not indulge in similar activities.
- iii] The application stands disposed off.

[S. G. CHAPALGAONKAR, J.]

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