

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 1091 OF 2023

1] Sarjerao Narayan Jarag
2] Nitin Bajirao Jarag
3] Mahadev Shivaji Jarag
4] Sardar Balu Patil Waghmare ... Applicants

Versus

The State of Maharashtra ... Respondent

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Mr. Aditya Raktade for the Applicants.
Ms. Veera Shinde, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 25 APRIL 2023

P.C. :-

. This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail.

2. The applicants came to be arrested in Crime No. 123 of 2023 registered at Karveer Police Station, Kolhapur for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 149 of Indian Penal Code, Section 4 r/w. 25 of the Arms Act, 1959.

3. I have heard the learned Counsel for the applicants and the learned APP for the State.

4. According to the prosecution, on the date of incident, which took place on 2 March 2023, the present applicants and other co-accused assaulted the complainant and his cousin Sarjerao Hujare by koyta, sword etc. and attempted to kill them.

5. The learned Counsel for the applicants submits that the prosecution's own case is that initial dispute was going on between the co-accused Sajjan Patil who is the Sarpanch of the village and one Swarup Patil. It is submitted that according to the prosecution at that time the present applicants came there and assaulted the injured Sarjerao Hujare who was trying to resolve the dispute between co-accused Sajjan Patil and said Swarup Patil. It is submitted that even otherwise the alleged injury sustained by the injured is not attributed to the present applicants. It is submitted that due to political rivalry the applicants are falsely implicated in the crime in question. It is submitted that even there is a cross FIR in relation to the alleged incident.

6. On the other hand, the learned APP for the State submits that the present applicants assaulted the injured by koyta, sword etc. and attempted to kill them. It is submitted that considering the nature of offence, the applicants may not be released on bail.

7. I have perused the first information report. The grievous injury sustained by injured Sarjerao Hujare is not attributed to the present applicants. Considering the overall facts and circumstances of the case and

as there are no other criminal antecedents, I am inclined to release the applicants on bail. In the result, the following order is passed :

- (i) Application is allowed.
- (ii) The applicant No.1 - Sarjerao Narayan Jarag, applicant No.2 - Nitin Bajirao Jarag, applicant No.3 - Mahadev Shivaji Jarag, and applicant No.4 - Sardar Balu Patil Waghmare be released on bail in Crime No. 123 of 2023 registered at Karveer Police Station, Kolhapur for the offences punishable under Sections 307, 326, 324, 143, 147, 148, 149 of Indian Penal Code, Section 4 r/w. 25 of the Arms Act, 1959, on furnishing P.R. Bond in the sum of Rs.25,000/- each with one or two sureties in the like amount.

(N.R. BORKAR, J.)