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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3527 OF 2023

1. SUKHDEV SADASHIV JAGTAP

2. SHIVAJI BALU JAGTAP

..APPLICANTS

VS.

THE STATE OF MAHARASHTRA

..RESPONDENT

Adv. Shriram S. Chaudhari for the applicants.

Mr. N. B. Patil, APP for the State.

PSI Fugare, Karkamb Police Station, Solapur Rural.

CORAM : M. S. KARNIK, J.

DATE : NOVEMBER 9, 2023.

P.C. :

1. Heard learned counsel for the applicants and learned APP for the State.

2. This is an application for bail in respect of the offence punishable under Sections 141, 143, 147, 148, 149, 326, 324, 323, 504, 506 of the Indian Penal Code, 1860 (hereafter 'IPC' for short) and under Section 135 of Maharashtra Police Act, 1951 registered on 13.10.2023 vide FIR No.0327 of 2023 with Karkamb Police Station, Solapur Rural.

3. There are in all ten accused. The applicants are the original accused Nos.2 and 9. On account of some property dispute, there was some quarrel between the two groups, one that of the accused and the other of the complainant. There are cross cases as even the accused No.1 has been injured. So far as the present applicants are concerned, it is alleged that they have used wooden sticks to assault the complainant's side.

4. Learned APP opposed the application for bail and submitted that the application should not be entertained prior to the filing of the charge-sheet as the investigation is ongoing. Learned APP submitted that even a woman from the complainant's side also has been injured and suffered a grievous injury. There are earlier cross complaints registered against these two groups.

5. The applicants were arrested on 17.10.2023. In my opinion in the facts and circumstances of the present case further custody of the applicants is not necessary as there is nothing to indicate that they are not going to co-operate with the investigation. The wooden sticks are already

recovered. The applicants can be enlarged on bail by imposing conditions. Hence, the following order :-

ORDER

- (a) The application is allowed.
- (b) The applicants-Sukhdev Sadashiv Jagtap and Shivaji Balu Jagtap in connection with FIR No.0327 of 2023 registered with Karkamb Police Station, Solapur Rural shall be released on bail on their furnishing P.R. Bond of Rs.25,000/- each with one or more sureties in the like amount.
- (c) The applicants are permitted to furnish cash bail surety in the sum of Rs.25,000/- each for a period of 6 weeks in lieu of surety.
- (d) The applicants shall attend the Investigating Officer of Karkamb Police Station, Solapur Rural twice a month on the first and third Monday of every month between 11.00 a.m. to 1.00 p.m. till filing of the charge-sheet.
- (e) Except for attending the trial and for the purpose of reporting to the Investigating Officer, the applicants shall not enter the jurisdiction of Karkamb Police Station.

(f) After the charge-sheet is filed the applicants need not report to the Karkamb Police Station. Further so far as the condition of residing outside Karkamb Police Station is concerned, the applicants may apply to the Jurisdictional Court for modification.

(g) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the facts to Court or any Police Officer. The applicants shall not tamper with evidence.

(h) On being released on bail, the applicants shall furnish their contact numbers and residential addresses to the Investigating Officer and shall keep him updated, in case there is any change.

(i) The applicants shall attend the trial regularly. The applicants shall co-operate with the trial Court and shall not seek unnecessary adjournments.

6. The application is disposed of.

(M. S. KARNIK, J.)