

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3031 OF 2022**

Manohar Dhondiba Bhise

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Aniket Nikam i/b Mr. Amit Icham for the Applicant.
Ms Rutuja Ambekar, APP for the State.

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CORAM : N.R. BORKAR, J.

DATED : 16 FEBRUARY 2023

P.C. :-

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

2. The applicant came to be arrested in Crime No. 49 of 2022 registered at Umadi Police Station, Sangli for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 506 of Indian Penal Code and Sections 4 r/w. 25 of Arms Act and Section 135 of Maharashtra Police Act.

3. I have heard the learned counsel for the applicant and the learned APP for the respondent-State.

4. According to the prosecution, on the date of incident, which took place on 8 March 2022, the present applicant and other co-accused assaulted the complainant and his friends Madhgonda Bagali and Santosh Mali by sword, stick etc. on account of previous enmity. It is alleged that

the complainant and his friends were injured in the assault. It is alleged that Madhgonda Bagali and Santosh Mali succumbed to their injuries.

5. It appears that the applicant was known to the complainant. However, in the first information report lodged by the complainant, there is no reference of the applicant. Only after nine days of the alleged incident the complainant in his supplementary statement stated that the present applicant was also part of unlawful assembly.

6. Apart from it, there are in all seven eye-witnesses and they have not attributed any overact to the present applicant. Though the offence is serious, however, considering the overall facts and circumstances, I am inclined to release the applicant on bail. Hence, the following order is passed:

- (i) Application is allowed.
- (ii) The applicant- Manohar Dhondiba Bhise shall be released on bail in Crime No. 49 of 2022 registered at Umadi Police Station, Sangli for the offences punishable under Sections 302, 307, 341, 143, 147, 148, 149, 506 of Indian Penal Code and Sections 4 r/w. 25 of Arms Act and Section 135 of Maharashtra Police Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iii) The applicant shall attend the concerned police station once in a month i.e., on first Saturday between 11.00 a.m. to 2.00 p.m. till conclusion of the trial.

(N.R. BORKAR, J.)