



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

933 BAIL APPLICATION NO. 57 OF 2024

Amol Vilas Thawal
VERSUS
The State of Maharashtra

...
Advocate for Applicant : Ms. Sakshi Kale h/f Mr. Ajeet B. Kale
APP for Respondent: Mrs. Pratibha J. Bharad
.....

CORAM : SANJAY A. DESHMUKH, J.
DATED : 13th FEBRUARY, 2024.

PER COURT :-

1. This is an application for granting bail under section 439 of Cr.P.C. in connection with crime No. 0855 of 2023 registered with Shrigonda police station, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 452, 504 and 506 of I.P.C. His application with similar prayer bearing criminal bail Misc. application No. 767 of 2023 came to be rejected by the learned Additional Sessions Judge, Shrigonda, vide order dated 16.12.2023.

2. It is averred in the report that there is civil dispute between the parties on account of agricultural land bearing Gat Nos. 31 and 32 situated at village Kashti. The informant averred in the report that one Vanita Devidas Parhar, Vikas Gulab Tikhe, the applicant and other accused persons had assaulted her by stone. Therefore, report was immediately lodged against 8 persons.

3. Learned advocate for the applicant pointed out the order passed by this court in bail application No. 2117 of 2023 by which a bail was granted to co-accused Vanita Parhar and another. Learned advocate for the applicant submits that there is earlier enmity and therefore, the applicant is falsely implicated in the crime. The role of the present applicant is not specified in the report. The allegations in the F.I.R. are vague and general in nature. Considering the nature of the crime, it is lastly prayed to allow the application.

4. Learned A.P.P. for the respondent-State has strongly opposed the application by pointing out the injury certificates of Vanita and Vikas Tikhe. The papers of investigation are also pointed out. Considering this aspect, the learned A.P.P. submits that the investigation is not over and therefore, prayed to reject the application.

5. Admittedly, civil litigation between the parties on account of agricultural land bearing Gat Nos. 31, 32 and 574 is pending in the Civil Court at Shrigonda. The applicant has roots in the society. He will not flee away from trial. The applicant has no criminal antecedents. The trial would take long period. Considering all these aspects, though Vikas has sustained fracture and other injuries, the application deserves to be allowed on certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No. 0855 of 2023 registered with Shrigonda police station, District Ahmednagar for the offences punishable under Sections 143, 147, 148, 149, 307, 323, 452, 504 and 506 of I.P.C. be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not tamper with the prosecution evidence and shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall attend the concerned police station twice in a week i.e. on every Monday and Thursday between 7.00 p.m. to 9.00 p.m. till filing of the charge sheet.
 - c) The applicant shall not enter into village Kashti, Tq. Shrigonda, district Ahmednagar, till conclusion of trial.
 - d) The applicant shall not involve /repeat such type of crime in future.

(SANJAY A. DESHMUKH, J.)