



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

979 BAIL APPLICATION NO. 158 OF 2024

1. Chandrabhan @ Baban Trimbak Fartade
2. Gokul Chandrabhan @ Baban Fartade

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. M.P. Kale h/f Mr.Muley Atul R.
APP for Respondent/State : Mr.Satish A. Gaikwad

...
CORAM : SANJAY A. DESHMUKH, J.
DATED : 14th FEBRUARY, 2024.

PER COURT :-

1. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.644 of 2023 registered with Taluka Georai Police Station, Beed, for the offences punishable under Sections 307, 326, 324, 504, 506 read with 34 of the Indian Penal Code.

2. It is averred in the report that on 03.12.2023, the applicants and co-accused assaulted and beaten him on account of repayment of hand loan amount for cutting sugarcane crop. The applicants have doused kerosene oil on the person of the informant and set ablaze him. He sustained the burn injuries upto 20%. That

time applicants and co-accused also threatened to kill him. Therefore, the report is lodged.

3. The learned advocate for the applicants submitted that the applicants have no criminal antecedents. They are having agricultural land. They are falsely implicated in the crime. There is nothing to be recovered from them. Injured informant is discharged from the hospital. Section 307 of the Indian Penal Code is not attracted. He lastly prayed for allowing the application.

4. The learned APP strongly opposed the application and pointed out the injury certificate having superficial burn injuries to anterior side of chest 4%, left side of neck 2% and 1.5 x 2 cm 3%. He submitted that the applicants are involved in serious crime. They will certainly pressurize the prosecution witnesses. The applicants are likely to commit such nature of offence. He, therefore, prayed to reject the application.

5. Perused the papers of investigation, particularly the report and statements of the witnesses as well as the certificate of injuries in medico-legal case showing 2 superficial burn injuries.

6. No doubt, prima facie, there is evidence of setting ablaze of the informant by dousing the kerosene oil on his person, however, considering the fact that the investigation is over, custodial

interrogation of the applicants is not necessary. Trial would take long period. The applicants will not flee away from the trial. Considering the fact that the practical investigation is over and custodial interrogation of the applicants is not necessary. The application deserves to be allowed on imposing stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No.644 of 2023 registered with Taluka Georai Police Station, Beed, for the offences punishable under Sections 307, 326, 324, 504, 506 read with 34 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them, on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence in any manner.
 - b) The applicants shall not enter into village Sushi Wadgaon, Tq. Georai, Dist. Beed till the decision of the trial except with the prior permission of the trial Court.

(SANJAY A. DESHMUKH, J.)