



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

87 BAIL APPLICATION NO. 242 OF 2024

1. Vikki Girdharilal Rautre
 2. Rahul @ Michael @ Ravi Kishore Marmath
- ..APPLICANTS

-VERSUS-

1. The State of Maharashtra
 2. The Superintendent of police
Jalna
- ..RESPONDENTS

Advocate for Applicant : Mr. Gorde Sandeep Baburao

APP for Respondent/State : Mrs.Pratibha J. Bharad

Advocate for complainant : Mr. S.G. Kawade

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WITH

**CRIMINAL APPLICATION NO. 832 OF 2024 IN
BAIL APPLICATION NO. 242 OF 2024**

Anup Ashokkumar Aabad

..APPLICANT

-VERSUS-

Vikki Girdharilal Rautre
and others

..RESPONDENTS

Advocate for Applicant : Mr. S.G. Kawade

APP for Respondent/State : Mrs.Pratibha J. Bharad

Advocate for respondent nos.1 and 2 : Mr. Gorde Sandeep Baburao

**CORAM : SANJAY A. DESHMUKH, J.
DATED : 20th FEBRUARY, 2024.**

PER COURT :-

- 1 For the reasons stated in the application, Criminal
Application No.832 of 2024 is allowed in terms of prayer clause "B".

2. Bail Application No.242 of 2024 is filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.0781 of 2023, registered with Jalna Taluka Police Station, Jalna, for the offences punishable under Sections 307, 327, 323, 324, 143, 147, 148, 149, 427 of the Indian Penal Code, 1860.

3 It is averred in the report that on 01.12.2023 in the morning at 8 a.m., informant was informed by his cousin Ankit Aabad that someone has pelted stone on the Car. He was called there. He went there at about 8.15 a.m., that time the applicants and other four persons were beating Ankit. These two applicants assaulted Ankit by iron rod on his face, left chest and back etc. Other two accused assaulted by base ball's log and wooden logs. One of the co-accused Narendra Thakur assaulted by wooden log. They again assaulted by first and kicks blows. That time one of co-accused Sagar Chaudhari took away the pistol from the hands of Ankit. He threatened to the informant. Father-in-law of Ankit came there. They went to the Police Station, Jalna. That time Ankit told them that his mobile hand set and Rs.4,000/- to Rs.5,000/- alongwith golden chain were snatched by the applicants. Thereafter, Ankit became unconscious. Therefore, the report was immediately lodged at about 9 p.m.

4. The learned advocate for the applicants submitted that the report was also lodged by one of the applicant i.e. applicant no.1 on second day of the incident stating real fact that Ankit and his friend circle forced him to sell the land adjacent to them. They tried to break down the compound wall. That incident took place on 01.12.2023. That time, Anup Aabad took iron rod and wooden log from his car. They abused this applicant no.1 and his brother thereafter came there. That time, Anup assaulted left leg of applicant no.1 and his brother. Anup took pistol from the car, abused him and put it on his head in order to assault him. That time, Anup assaulted his brother. Ankit sustained the injuries. Applicant no.1 also sustained injuries to his hand. The Gun was snatched by Sagar, who is brother of applicant no.1. The learned advocate for the applicants submitted that the false report is lodged. Section 307 of the Indian Penal Code is wrongly invoked. The applicants are falsely implicated in the crime. He lastly submitted to grant bail.

5. The learned APP for the State strongly opposed the application and pointed out the injury certificate as well as the statements of the witnesses and submitted to reject the application.

6. The learned advocate for assisting to prosecution

submitted that the applicants are involved in the serious crime. Ankit was admitted in the hospital for 8 days. His father-in-law is also threatened by one of the co-accused. He lastly prayed to reject the application.

7. Perused the papers of investigation, particularly the report and counter report. The injury certificate shows that Ankit sustained the injury to his right chest. However, it is shown as grievous injury. All the injuries are simple injuries. The applicants have roots in the society. They will not flee away from the trial. Trial will take long period. However, considering the fact that such incident may happen again, the application deserves to be allowed on some stringent conditions. Hence the following order :-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.0781 of 2023, registered with Jalna Taluka Police Station, Jalna, for the offences punishable under Sections 307, 327, 323, 324, 143, 147, 148, 149, 427 of the Indian Penal Code, 1860, be released on bail on furnishing personal bond of Rs.25,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not enter into Jalna city till filing of the charge-sheet except the dates for which they have to attend the Court.

- b) The applicants shall not pressurize the witnesses and tamper with the prosecution evidence in any manner.

(SANJAY A. DESHMUKH, J.)

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