



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 BAIL APPLICATION NO. 340 OF 2024

1. Dilip Hanumanta Fotre
2. Atish Dilip Fotre
3. Yogesh Narsing Fotre
4. Anil Rajesh Fotre
5. Sunil Rajesh Fotre

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Mr.Rajendra Deshmukh, Senior Advocate a/w Adv. Miss. Rakshanda Jaiswal i/b Mr.Devang Deshmukh, advocate for the applicants.

APP for Respondent/State : Mr.Mukesh K. Goyanka

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 15th MARCH, 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.0007 of 2024 registered with Deogaon Police Station, Aurangabad (Rural), Dist.Aurangabad for the offences punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 149 of the Indian Penal Code.

2. It is averred in the report by the informant that co-accused Gaurav @ Ajay Sudam Fotre and Prabhat Fotre abused

on 08.01.2023 informant's son Avinash. Then they assaulted him and he sustained injury to his head. Avinash was treated in Civil Hospital at Deogaon Rangari. Thereafter the informant tried to convince both of them.

3. On 09.01.2024 at about 7.30 p.m. Ajay Fotre and Prabhat Fotre along with these applicants went to the son of informant Avinash and questioned him are you become politician or *gunda*. They threatened him to kill. Gaurav assaulted by iron rod on the upper side of left eye. He fell down. That time, another accused Prabhat assaulted on the head of one Gulab. Applicants Atish and Yogesh assaulted on the left elbow of informant by bamboo stick. Both of them fell down. Then they were taken to GHATI Hospital, Sambhajinagar. Thereafter on 2nd day report was lodged.

4. Learned Senior Advocate for the applicants submits that the applicants names are falsely implicated in the crime. They have neither done overt act nor they were present there. Nothing is seized at the instance of these applicants. The applicants have no criminal antecedents. If the applicants are released on bail, they will not flee away from the trial. Practical investigation is over. It is lastly prayed to allow the application.

5. Learned A.P.P. for the respondent-State has strongly opposed the application and pointed out the injury certificates of the informant, his son and one Gulab. He submits that the investigation is in progress and if the applicants are released on bail, they will certainly pressurize the witnesses. There are eye witnesses to the incident. He, therefore, prayed to reject the application.

6. Perused the charge-sheet, particularly the report, injury certificates and the statements of the witnesses. More than 18 hours delay is caused for lodging the report. Considering the alleged role of the applicants that they assaulted the informant by bamboo stick and nature of injury sustained to the informant as well as the fact that practical investigation is over, the applicants have roots in the society, they have no criminal antecedents, they will not flee away from the trial, the application deserves to be allowed on certain conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No.0007 of 2024 registered with Deogaon Police Station, Aurangabad (Rural), Dist. Aurangabad for the offences punishable under sections 307, 326, 324, 323, 504, 506, 143, 147, 149 of the Indian Penal Code be released on bail on furnishing personal bond of

Rs.25,000/- each with one surety of the like amount by each of the applicants on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and tamper with the prosecution evidence in any manner.
- b) The applicants shall not enter into the village Jalgaon Ghat, Tq. Kannad, Dist. Chhatrapati Sambhajinagar till conclusion of the trial.

III. If breach of any of the above conditions is committed by the applicants, the trial Court is at liberty to proceed further to cancel the bail of these applicants without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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