



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

903 BAIL APPLICATION NO. 376 OF 2024

1. Soma @ Somnath S/o Dnyandev Bhagat.
2. Navnath S/o Sharad Vyavhare. ... Applicants

Versus

The State of Maharashtra. ... Respondent

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Mr. Sandip R. Sapkal & Mr. O. R. Waghule, Advocate for Applicants.

Mrs. Dipali S. Jape, APP for Respondent/State.

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CORAM : **SANJAY A. DESHMUKH, J.**

DATE : 21st March, 2024.

P.C.:

1 Heard.

2 This is an application, under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.110 of 2024, registered at Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 307, 326, 324, 506, 143, 147, 148, 149 and 427 of the Indian Penal Code.

3 It is averred in the report that quarrel took place on account of ownership of agricultural land. Some parts of the borewell were broken. Therefore, the applicants and other accused assaulted

the informant by iron rod and wooden stick. Therefore, the report was lodged.

4 The quarrel took place between two groups. Therefore, another report bearing Crime No.107 of 2024 is also registered with the same police station against the informant and witnesses about the same incident, in which it is alleged that one Sunil assaulted applicant No.1 (Somnath Dnyandev Bhagat) by sickle. Therefore, cross reports were registered.

5 The learned counsel for applicants submitted that the practical investigation is over. The accused in counter FIR are released on bail. The applicants have roots in the society. The custody of these applicants is not necessary. The trial till take long period. It is lastly prayed to allow the application.

6 The learned APP for the State strongly opposed the application and pointed out the statements of witnesses and the role of these applicants. She further pointed out the medico legal certificates showing grievous injuries sustained to the informant and witnesses. She submitted that it is a serious case. She further submitted that one day before the incident, one NC was registered by the mother of this informant under Sections 323, 504, 506, 427 of the IPC. It is lastly prayed to reject the application.

7 Perused the papers of investigation, particularly, the report and the statements of witnesses as well as the injury certificates. The practical investigation is over. The weapons are seized. Injury certificates are collected. Practical investigation is over. The accused in counter FIR are released on bail. Therefore, without advertent to the merits of the case and considering the fact that bail is rule and jail is exception, the applicants have roots in the society, they will not flee away from the trial and the trial will take long period, the application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicants in connection with Crime No.110 of 2024, registered at Newasa Police Station, District Ahmednagar, for the offences punishable under Sections 307, 326, 324, 506, 143, 147, 148, 149 and 427 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- each with surety of the like amount by each of them on following conditions:-
 - a) The applicants shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicants shall not tamper with the prosecution evidence, in any manner.
 - c) The applicants shall not enter into village Narayanwadi,

Taluka Newasa, District Ahmednagar, till filing of the charge-sheet.

- d) If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further for to cancel the bail of these applicants without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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