



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

99 BAIL APPLICATION NO. 393 OF 2024

ADINATH NARSING BODKE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicant : Mr. Ajeet B. Kale.

APP for Respondent/State : Mr. Parikshit P. Dawalkar.

Advocate to assist PP : Mr. Kailas Annarao Kadam.

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

DATE : 15th April, 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.416 of 2023, registered with AUSA Police Station, District Latur, for the offences punishable under Sections 307, 341, 324, 327, 323, 504, 506, 427, 143, 147, 148 and 149 of the Indian Penal Code.

3 It is averred in the report that there is civil case regarding plot and the civil suit is pending before the Trial Court. The incident took place on 4th October, 2023. This applicant and his son Pandurang Bodke caused damage of Rs.50,000/- by damaging the shed raised in that disputed property. This applicant and his son assaulted by sickle

and knife to Bhartabai Gore and Shivshankar Salunke. They were admitted in the District Rural Hospital, Latur. That time, this applicant stopped them by parking his car in front of the car of informant. That time, co-accused Pandurang Bodke, Virappan Dongre, Sandip Suryawanshi and one son-in-law of this applicant came there and they assaulted the informant and others. They threatened that they will eliminate all. That time, also the present applicant (Adinath Bodke) assaulted on the left rib of informant. He also assaulted on the left leg. Co-accused Pandurang Bodke assaulted to Varsha Salunke by stone. He also assaulted Prakash Salunke by iron rod. That time, he stolen away Mangal Sutra and Ganthan worth Rs.70,000/- and also cash amount of Rs.10,000/-. Ajit Jhirmire assaulted by knife and caused injury to left hand. Anil Jhirmire assaulted on Babruwan Salunke and caused injury to him by iron rod.

4 The learned counsel for applicant submitted that most of the accused are released on bail. It is a dispute of civil nature. The applicant is falsely implicated in the crime. The practical investigation is over. Trial will take long period. Considering the fact that applicant has roots in the society, it is lastly prayed to allow the application.

5 The learned APP for the State strongly opposed the application and submitted that the applicant is involved in the serious

crime. There is *prima-facie* strong evidence against this applicant. The investigation is not over. If the applicant is released on bail, he will certainly pressurize the prosecution witnesses and tamper the evidence. He pointed out that Crime No.159 of 2020 is registered against this applicant. Thus, the applicant has criminal antecedents. It is lastly prayed to reject the application.

6 The learned counsel for assisting to the prosecution strongly opposed the application and submitted that the investigation is not over. The informant and other persons are assaulted by the applicant. There is *prima-facie* strong evidence against this applicant. If the applicant is released on bail, he will certainly cause hindrance in the investigation and pressurize the prosecution witnesses. It is lastly prayed to reject the application.

7 Perused the papers of investigation, particularly, the report and the statements of witnesses alongwith injury certificate. The statements of witnesses show the involvement of this applicant. However, the quarrel took place on account of plot. There is order of Civil Court granting temporary injunction in favour of this applicant. Similarly situated accused are released on bail by this Court in Bail Application No.1919 of 2023 (Sanjay @ Sandip Vijaykumar Suryawanshi Vs. The State of Maharashtra), Bail Application No.2000

of 2023 (Ajit Tanaji Zirmire Vs. The State of Maharashtra) and Anticipatory Bail Application No.1858 of 2023 (Sandip Gangadhar Jadhav & Others Vs. The State of Maharashtra). Considering all these aspects and the fact that the applicant has roots in the society, he will not flee away from the trial, the practical investigation is over, custody of the applicant is not necessary and also considering the nature of crime and facts and circumstances of the case, the applicant is entitled for bail on the principal that bail is rule and jail is exception. The application, therefore, deserves to be allowed on certain stringent conditions. Hence, the following order:-

ORDER

- I. The application is allowed.
- II. The applicant in connection with Crime No.416 of 2023, registered with AUSA Police Station, District Latur, for the offences punishable under Sections 307, 341, 324, 327, 323, 504, 506, 427, 143, 147, 148 and 149 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.50,000/- with surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses, in any manner.
 - b) The applicant shall not tamper with the prosecution evidence, in any manner.

- c) The applicant shall not enter into village Yakatpur, Taluka Ausa, District Latur, village Yeli, Taluka Ausa, District Latur as well as village Kanheri, Taluka Ausa, District Latur, till filing of the charge-sheet.

8 If any breach of the above conditions is noticed by the Trial Court, the Trial Court is at liberty to proceed further to cancel the bail of this applicant without reference to this Court.

[SANJAY A. DESHMUKH, J.]

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