



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

9 BAIL APPLICATION NO. 438 OF 2024

Venkat Shivaji Mane

..APPLICANT

-VERSUS-

The State of Maharashtra

..RESPONDENT

...
Advocate for Applicant : Mr. More P. P.

APP for Respondent/State : Mr. Satish A. Gaikwad

...

**WITH
CRIMINAL APPLICATION NO. 1363 OF 2024
IN BA/438/2024**

AKASH ANIL SALUNKE

VERSUS

VENKAT SHIVAJI MANE AND ANOTHER

...

Advocate for Applicant : Mr. Kawade Shrikant G.

APP for Respondent/State : Mr. Satish A. Gaikwad

.....

**CORAM : SANJAY A. DESHMUKH, J.
DATED : 26th MARCH, 2024.**

PER COURT :-

1. Criminal Application No.1363 of 2024 is filed for permission to assist to the prosecution.
2. For the grounds stated in Application, the application is allowed.
3. The applicant in Bail Application No. 438 of 2024 is seeking

bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicant has been arrested in connection with crime No.0129 of 2021 registered with Nilanga Police Station, Dist.Latur, for the offences punishable under sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act.

4. It is averred in the report by the informant that on 17.05.2021, informant was proceeding by motorcycle along with his cousin Sunil Solunke and brother-in-law Anant Mohite. They went to Latur District Central Co-operative Bank, Nilanga in order to withdraw some amount. When they are on Sindkhed-Yelnoor road at about 3.00 p.m., the applicant and other accused with whom earlier quarrel took place came there by white colour Bolero Jeep and Innova Car as well as Creta Car. Other co-accused along with this applicant came there and started to assault informant and others. They assaulted them by sticks, stones etc. Informant run away to save himself from that spot. His father was assaulted by sticks and stones and he was crying and saying that they should not kill him. One Sidheshwar Mane caught hold his father and said that they will eliminate the informant and his father. He assaulted on his stomach but informant could save himself. That time, Venkat Mane, Deepak Karan Solunke, Vikram Karan Solunke, Bibhishan Pawar, Shekhar Pawar, Rahul Pawar assaulted informant on his stomach and thigh.

He fell down. Thereafter, all the accused run away with their Cars towards village Yelnoor. The report was lodged.

5. The learned advocate for the applicant submitted that the applicant's role is not specified and there are allegations against him that he participated in that crime by using sticks and stones. The applicant has roots in the society. Trial will take long period. It is lastly prayed to allow the application.

6. The learned APP for the State and learned advocate for the complainant strongly opposed the application and submitted that name of this applicant is mentioned in the report. He is prosecuted for serious crime. He will certainly pressurize the prosecution witnesses. It is pointed out that the applicant is absconding for more than two years. Considering the serious nature of the crime, it is lastly prayed to reject the application.

7. Perused the charge-sheet and particularly the report, statements of the witnesses and the order passed by this Court in Bail Application No. 2323 of 2023 dated 4th March, 2024. The applicant's name is mentioned in the report. However, his role is that he assaulted informant by iron rod. He was one of the main accused, who has started that quarrel. However, other co-accused are released on bail. Considering the rule of parity and the weapon used by this applicant that it was stick for assaulting the informant and his father, the applicant deserves to be released on bail as he will not

flee away from the trial, trial will take long period, the application deserves to be allowed on certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicant in connection with crime No.129 of 2021 registered with Nilanga police station, Dist. Latur, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- with one surety of the like amount on following conditions:-
 - a) The applicant shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - b) The applicant shall not enter into village Yelnoor, Tq.Nilanga, Dist. Latur for one year from today.
- III. If the applicant commits breach of any of the above conditions, the trial Court is at liberty to proceed further to cancel their bail without reference to this Court.

(SANJAY A. DESHMUKH, J.)