



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

90 BAIL APPLICATION NO. 441 OF 2024

1. Ashok S/o Tukaram Dinde.
2. Yashpal s/o Tukaram Dinde.
3. Mohan s/o Ramchandra Pandhare. ... Applicants

Versus

The State of Maharashtra. ... Respondent

...
Mr. Avinash N. Suryawanshi, Advocate for Applicants.
Mr. Parikshit P. Dawalkar, APP for Respondent / State.

...

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

DATE : 01st April, 2024.

P.C.:

1 Heard.

2 After hearing the learned counsel for applicants and the learned APP for the State, when this Court expressed disinclination to grant relief to applicant Nos.1 and 2, the learned counsel for applicants, on instructions, seeks leave to withdraw the application of applicant Nos.1 and 2. Leave granted.

3 This is an application, under Section 439 of the Code of

Criminal Procedure, 1973, for grant of regular bail in connection with Crime No.542 of 2023, registered with Degloor Police Station, District Nanded, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 326, 323, 504 and 506 of the Indian Penal Code.

4 It is averred in the report that when the informant was proceeding to meet his relative, these applicants and other co-accused assaulted him by an axe, sickle, sticks etc. It is further averred in the report that applicant No.3 (Mohan) assaulted the informant by sickle to the backside of the left ear. Therefore, the report was lodged.

5 The learned counsel for applicant submitted that applicant No.3 is 67 years old having blood pressure and high sugar etc. The practical investigation is over. The custody of this applicant is not necessary. It is lastly prayed to allow the application to the extent of applicant No.3.

6 The learned APP for the State strongly opposed the application and pointed out the role of applicant No.3 that he used sickle for assaulting the informant. He further pointed out the injury certificate of the informant. He submitted that considering the serious nature of the crime, the application deserves to be rejected. It is lastly prayed to reject the application.

7 Perused the papers of investigation, particularly, the report, injury certificate as well as the statements of witnesses. Sickie is seized at the instance of applicant No.3. He is resident of another village. Considering his age and fact that he has no criminal antecedents, his bail application deserves to be allowed on certain conditions. Hence, the following order:-

ORDER

- I. The bail application is partly allowed.
- II. The application of applicant Nos.1 and 2 is disposed of as withdrawn.
- III. Applicant No.3 (Mohan Ramchandra Pandhare) in connection with Crime No.542 of 2023, registered with Degloor Police Station, District Nanded, for the offences punishable under Sections 307, 143, 144, 147, 148, 149, 326, 323, 504 and 506 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) Applicant No.3 shall not pressurize the prosecution witnesses, in any manner.
 - b) Applicant No.3 shall not tamper with the prosecution evidence, in any manner.
 - c) Applicant No.3 shall not enter into village Tamloor, Taluka Degloor, District Nanded, till conclusion of trial.

- d) 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 applicant No.3 without reference to this Court.

[SANJAY A. DESHMUKH, J.]

nga