



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 479 OF 2024

YASHWANT DEVIDAS GHITRE
VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Nilesh S. Ghanekar
APP for Respondents : Ms. P. J. Bharad
...

CORAM : S. G. MEHARE, J.

DATE : 14-06-2024

PER COURT :-

1. Heard the learned counsel for the applicant and the learned A.P.P. for the respondents/State.
2. The applicant seeks bail in C.R.No.193 of 2023 registered with Shillegaon Police Station, District Aurangabad, for the offences punishable under Sections 302, 307, 36, 324, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code.
3. The incident happened after the measurement of land by the Government officials. It has been alleged that the applicant and his family uprooted the poles. Co-accused Bhanudas caused head injury to the deceased. It has been alleged against the applicant that he inflicted blow and caused head injury to deceased. The crime was registered and the applicant was arrested.

4. Learned counsel for the applicant submits that the similarly situated co-accused have been granted bail. The injury caused to the first informant was simple. The alleged weapon has been recovered at his instance. He has not played a vital role. There is no harm to the life of the injured. It was a civil dispute which turned into the crime. He also submits that further detention of the applicant would serve no purpose.

5. Learned A.P.P. for the respondents has strongly opposed the application and submits that the weapon i.e. iron rod has been seized at the instance of applicant. The offence under Section 307 of the Indian Penal Code has also been registered, for which the injury is immaterial. She has referred to the statements of the witnesses recorded under Section 164 of the Code of Criminal Procedure and the photographs taken from the videograph. She has argued that the offence is serious. The applicant was aggressive and played the vital role. Releasing him on bail is harmful to the prosecution witnesses. Hence, he may not be granted bail.

6. The incident is not disputed. The role of the applicant is to be examined. It has been alleged against him that he caused injury to the injured which was simple in nature. The specific allegations were levelled against the co-accused Bhanudas who caused head injury to the deceased and he died. Similarly

situated co-accused have been granted bail by this Court. His further detention would serve no purpose. However, to protect the interest of the witnesses, certain conditions may be imposed. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicant Yashwant Devidas Ghitre be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount, in the above crime for the aforesaid offences, on the conditions that,
 - (a) He shall not tamper with the prosecution witnesses.
 - (b) He shall not indulge in the similar offence.
 - (c) He shall not enter village Raipur, Taluka Gangapur, District Aurangabad for six months from the date of his release.

**(S. G. MEHARE)
JUDGE**

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