



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

59 BAIL APPLICATION NO. 711 OF 2024

SUNNY SHEKHAR TARATE
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. Rahul R. Karpe
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

AND
BAIL APPLICATION NO. 678 OF 2024

AVINASH SOMNATH MANDLIK
VERSUS
THE STATE OF MAHARASHTRA

...
Advocate for Applicant : Mr. K. N. Shermale.
APP for Respondent/State : Mr. Mukesh K. Goyanka.
...

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

DATE : 06th May, 2024.

P.C.:

1 Heard.

2 These are applications, under Section 439 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C."), for grant of regular bail in connection with Crime No.225 of 2024, registered with Sangamner City Police Station, District Ahmednagar, for the offences punishable under Sections 307, 143, 147, 148, 149, 323 and 324 of the Indian Penal Code.

3 The informant averred in the report that the applicants and co-accused assaulted his friend Dhiraj Pavade by sickle, iron rod, sticks by saying that you have become *Dada*. The informant tried to resolve the said quarrel. The informant sustained injuries and thereafter, he was admitted in the hospital. Thereafter, the report was lodged.

4 The learned advocates for the applicants submitted that the role of these applicants is not spelled out either from the report or the statements of witnesses. However, co-accused who assaulted Dhiraj are behind bars. These applicants have roots in the society. They will not flee away from the trial. The trial will take a long period. It is lastly prayed to allow both these applications.

5 The learned APP for the State strongly opposed both the applications and submitted that the applicants are involved in the serious crime. Their names is mentioned in the report. There is *prima-facie* evidence against them. It is lastly prayed to reject both the applications.

6 Perused the papers of investigation. The papers of investigation show that Applicant - Avinash has some criminal antecedents. Though the name of the applicants is mentioned in the

report, their role is not specified either in the report or the statements of witnesses. Thus, there are no allegations that the applicants have assaulted the informant. Considering these aspects as well as the fact that the applicants have roots in the society, they will not flee away from the trial, trial will take a long period and the practical investigation is over, the applicants are entitled for bail on the principle that bail is rule and jail is exception on certain conditions. Hence, the following order:-

ORDER

- I. Both the applications are allowed.
- II. Both these applicants in connection with Crime No.225 of 2024, registered with Sangamner City Police Station, District Ahmednagar, for the offences punishable under Sections 307, 143, 147, 148, 149, 323 and 324 of the Indian Penal Code, be released on bail on furnishing personal bond of Rs.25,000/- 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.

[SANJAY A. DESHMUKH, J.]