



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

BAIL APPLICATION NO. 1062 OF 2024

1. Pintu @ Devidas Govardhan Shinde,
  2. Dattu @ Datta Govardhan Shinde,
  3. Pappya @ Rameshwar Rajendra Shinde,
  4. Bablu @ Babaleshwar Rajendra Shinde,
- All r/o. Para, Taluka Washi,  
District Dharashiv .. Applicants

Versus

1. The State of Maharashtra  
Through the Police Inspector,  
Police Station Washi, Taluka Washi,  
District Dharashiv
2. The Superintendent of Police,  
Dharashiv, District Dharashiv

Mr. Kishor R. Doke, Advocate for Applicants;  
Ms. S. S. Joshi, APP for Respondents

**CORAM : S. G. MEHARE, J.**

**DATE : 25-07-2024**

**PER COURT :-**

1. Heard learned counsel for the applicants and the learned A.P.P. for the respondents.
2. The applicants seek bail in C.R.No.0247 of 2019 registered with Washi, District Dharashiv, for the offences punishable under Sections 307, 143, 147, 148, 149 of the Indian Penal Code andd Section 4/25 of the Arms Act.
3. After the incident was lodged, the applicants were arrested. However, they were granted bail due to Covid-19 Pandemic.

Thereafter, they disappeared. Therefore, in 2024, they surrendered themselves when NBW was issued by the Magistrate against them. They applied for cancellation of warrant. However, the Court rejected the application for cancellation of warrant. Then they preferred bail application before the learned Sessions Judge, Bhoom. Learned Sessions Judge, Bhoom refused bail.

4. Learned A.P.P. is right in pointing out that the learned Magistrate did not grant bail on merit. Since the offence was triable by the Sessions Court, application for bail was to be dealt with Sessions Court. They did not apply before Magistrate for bail, but simply applied for cancellation of non-bailable warrant.

5. Since bail was not granted, the learned Magistrate did not commit anything wrong.

6. Learned A.P.P. has strongly opposed the application on the ground that applicants No.1 and 2, Pintu and Dattu have antecedents to their discredit. They used deadly weapons and caused serious injuries to the injured.

7. On the contrary, learned counsel for the applicants submit that there are discrepancies in use of the weapon in the crime. Only one injury was grievous and other were simple. Grievous injury was not on vital part of the injured. There was no intention to evade the trial. They are belonging to *Pardhi* community; hence, they go from one place to another for jobs. Nothing is recovered from them. Hence, they may be granted bail.

8. So far as antecedents to the discredit of the applicants No.1, 2 and 4 are concerned, those were registered against them in 1999 and 2016. There was injury to the injured but it was not on vital part of the body. The alleged weapon has been recovered. The trial may take its time. On certain conditions, bail may be granted to them. Hence, the order :-

ORDER

- i) The application is allowed.
- ii) Applicants No. - (1) Pintu @ Devidas Govardhan Shinde, (2) Dattu @ Datta Govardhan Shinde, (3) Pappya @ Rameshwar Rajendra Shinde and (4) Bablu @ Babaleshwar Rajendra Shinde, be released on bail, on furnishing PB and SB of Rs.50,000/-, with one solvent surety of the like amount each, in the above crime for the aforesaid offences, on the conditions that,
  - (a) They shall not tamper with the prosecution witnesses.
  - (b) They shall attend the trial on each and every effective date after the case would be committed to the Session Court.
  - (c) They shall furnish their residential address proof and cell phone numbers to the Court as well as the Investigating Officer with an undertaking that they would not change their cell phone numbers, till the trial is concluded.

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