



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

987 BAIL APPLICATION NO. 1170 OF 2024

1. SANKET KISANRAO BHINGARDIVE

2. JAMIR SHAUKAT PATHAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

WITH

BAIL APPLICATION NO. 1162 OF 2024

1. ABHISHEK @ SONYA RAJENDRA LANDGE

2. OMKAR SATISH APRE

3. PARMESHWAR HARIBHAU MAGAR

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Applicants : Mr. Barhate Patil Avinash N.

APP for Respondent/s-State : Mr. D. J. Patil.

...

CORAM : S. G. MEHARE, J.

DATE : 19.07.2024

PER COURT :-

1. Heard the learned counsel for the applicants and learned APP for the respondents-State.

2. The applicants seek bail in Crime No.619 of 2024, registered with Tophkhana Police Station, District Ahmednagar, for the offences punishable under Sections 307, 143, 147, 148, 149 of the IPC and Sections 37(1), 37(3) and 135 of the Maharashtra Police Act.

3. Learned counsel for the applicants would argue that applicants have been falsely implicated in the crime. The report against the injured was lodged by one of the co-accused. Therefore, the present report was lodged against the applicants. The injured was silent about the role attributed to the accused Sanket. The applicant Omkar and Parmeshwar were not named in the FIR. He would further argue that the allegations against applicant Abhishek @ Sonya were that he assaulted one Ashish Shirsath, who tried to rescue the complainant. However, the prosecution did not have the injury certificate of so called injured Ashish Shirsath. No weapons have been recovered from the applicants. They have no antecedents to their discredit. Hence, they may be granted bail.

4. Learned APP has strongly opposed the application. He would submit that there may be a law and order issued in the locality. Both parties were assaulting each other and eyewitnesses named applicant Sanket and alleged against him that he assaulted the injured/first informant Chetan. Considering the nature of the FIR and the way in which the incident happened, it would not be appropriate to release the applicants on bail. The investigation is still going on.

5. Perused the papers. There appears counter report against each other. So far as the role attributed to applicant Sanket is concerned, it has been alleged in the FIR that he tried to assault the first informant, but he did not cause him any injury. So far as the applicant Abhishek @ Sonya is concerned, it has been alleged against him that he assaulted one Ashish Shirsath, but his injury certificate is absent. The applicants Omkar and Parmeshwar were not named in the FIR. Nothing is recovered from them. They are languishing in jail since 19.05.2024. They have no antecedents to their discredit. Bearing in mind the progress of the trial and the alleged role attributed to the applicants, the Court is of the view that they deserve bail. Hence, the following order :

ORDER

- (i) Bail Applications are allowed.
- (ii) Applicant **Nos.1. SANKET KISANRAO BHINGARDIVE and 2. JAMIR SHAUKAT PATHAN** in bail application No.1170 of 2024 and Applicant **Nos.1. ABHISHEK @ SONYA RAJENDRA LANDGE, 2. OMKAR SATISH APRE and 3. PARMESHWAR HARIBHAU MAGAR** in bail application No.1162 of 2024 be released on bail on furnishing P.B. and

S.B. of Rs.50,000/- (Rupees Fifty Thousand only)
each with one solvent surety of like amount each,
on the following conditions :

- (a) They shall not tamper with the prosecution witnesses.
- (b) They attend the Police Station as and when called on written notice by the Investigating Officer till filing of charge sheet.

(S. G. MEHARE, J.)

...

vmk/-