



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1240 OF 2024

Dattatray Shesharao Dubile

....Applicant

VERSUS

The State Of Maharashtra And Another

.....Respondents

.....

Mr. S.R. Kedar, Advocate for Applicant

Mr. B.B. Bhise, APP for Respondents-State

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 31st JULY, 2024

ORDER :

1. Applicant seeks bail in connection with Crime No. 426 of 2023, registered with Waluj Police Station, Dist. Chhatrapati Sambhajinagar, for offences punishable under sections 307, 326, 324, 323, 506, 143, 147, 149 of the Indian Penal Code and under section 135 of Maharashtra Police Act.

2. FIR is lodged by Ankush Bhaurao Ugale stating that he has purchased land Gut No. 71 in 2023 and accused Balu is having land in Gut No. 73, adjacent to the land of informant. Balu raised an objection to the mutation in favour of informant. Said objection was rejected. On 28th December, 2023, in the morning, son of informant Shubham telephonically informed the

Bhagyawant Punde

informant that accused Balu and Rahul are cultivating common Bandh. After getting said information, informant, along with his wife and son Parmeshwar, immediately rushed towards field on motorcycle. Informant tried to give understanding to accused Balu not to cultivate the bandh, however, he was not in a position to listen. After sometime Dattaray came there and demanded 7/12 extract from informant. He told the informant not to enter into the land until he gets 7/12 extract. Accused gave threat to informant. Informant and his family members were assaulted by sticks, sickle and axe. Applicant assaulted informant with axe on head.

3. Heard learned advocate for applicant and learned APP for State. Perused the investigation papers and charge sheet.

4. Charge sheet is filed in the present crime on 04.04.2024. Applicant was arrested on 04.07.2024. Injury certificate of the informant shows that he has suffered contused lacerated wound on head, which is stated to be simple injury. Some of the weapons allegedly used in the crime are recovered from the spot. Out of five accused named in the FIR, two ladies were granted anticipatory bail by this Court and two accused

were arrested and they are released on regular bail. In view of filing of charge sheet, no further pre-trial detention of applicant is necessary in the matter. Trial is not likely to commence and conclude in near future. Hence, application deserves to be allowed.

5. In the result, application is allowed.

6. Applicant- Dattatray Shesharao Dubile be released on bail in Crime No. 426 of 2023, registered with Waluj Police Station, Dist. Chhatrapati Sambhajinagar, for offences punishable under sections 307, 326, 324, 323, 506, 143, 147, 149 of the Indian Penal Code and under section 135 of Maharashtra Police Act, on executing Personal Bond of Rs. 25,000/- with one surety in the like amount.

7. Applicant shall not tamper the prosecution evidence.

[NITIN B. SURYAWANSHI, J.]