

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 1374 OF 2024

Om Ashok Shirvat And Another

VERSUS

The State Of Maharashtra

...

Advocate for Applicant : Mr. Ghanekar Nilesh S.

APP for Respondent/State : Mr. A.S. Shinde

Advocate for Complainant : Mr. A.K. Bhosle

WITH

CRIMINAL APPLICATION NO. 3838 OF 2024

IN BA/1374/2024

...

CORAM : S.G. MEHARE, J.

DATED : SEPTEMBER 05, 2024

PER COURT:-

1. Heard learned counsel for the applicants, learned APP for the State and learned counsel for the complainant/injured.
2. The applicants seek bail in Crime No.310 of 2024 registered with Bidkin Police Station, District Aurangabad for the offences punishable under Sections 109, 118(1), 115(2), 351(2), 189(2), 191(2), 191(3), 190 of the Bharatiya Nyaya Sanhita Act, 2023.
3. It is a matter over the loan amount and mortgage of property between the first informant and one Kishor Shirvat. The informant had lodged the report that he had repaid the entire amount of loan. However, the accused Kishor was asking for more money.

He was trying to dispossess him. The incident happened at 01.00 am in the field. The counter cases were registered against each other. Accused Kishor was also seriously injured. So far as the role of the applicants is concerned, it was alleged that the applicant no.1 assaulted the first informant on his right wrist with iron pipe that fractured it and applicant no.2 – Ashok assaulted the first informant with iron pipe on his legs.

4. Learned counsel for the applicant submits that the complainant did not admit to the government hospital. He took the treatment in the private hospital and now he has been discharged. A counter report has been lodged against the first informant. He also assaulted the injured Kishor seriously. It was a free fight between two groups. Both have used the weapons. However, the applicants have been falsely arraigned as an accused in the crime. After the crime was registered, the applicants were arrested. The weapons allegedly used in the crime have been recovered. The injured has only grievous injury of fracture on his right wrist. Other injuries were simple. The nature of injuries falsifies the allegations against the applicants. There are no antecedents to their discredit. Hence, they may be granted bail.

5. Learned APP and learned counsel for the complainant/injured submitted that the offence is serious. The investigation is in progress. The applicants were aggressive. It is a quarrel about repaying the loan amount. The life of the injured may

be in danger, if the applicants are released on bail. Since the offence is serious, they do not deserve bail.

6. Perused the FIR. It is an admitted fact that there are counter cases against each other. The accused Kishor in this case was also seriously injured. The present complainant has been discharged from the hospital. So far as the role attributed to the applicants are concerned, the injuries suffered to the complainant were simple in nature and only one injury i.e. fracture was allegedly caused by the applicant Om. It was a free fight. The weapons have been seized. There are no antecedents to their discredit. The material investigation against them appears completed. Therefore, no purpose would be served in keeping them behind bar. On certain conditions, bail may be granted. Hence, the following order :

ORDER

- (i) Bail Application is allowed.
- (ii) Applicants, Om Ashok Shirvat and Ashok Harishchand Shirvat, 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 the like amount each in the above crime, on the conditions that;
 - (a) The applicants should not tamper with the prosecution witnesses.

(4)

(b) The applicants should attend the concerned police station as and when called on written notice by the investigation officer till filing the charge sheet.

(iii) Criminal Application No.3838 of 2024 stands disposed of.

(S.G. MEHARE, J.)