



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

955 BAIL APPLICATION NO. 1876 OF 2024

MAHESH SANGRAM HAKALE AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA

...

Advocate for Applicants : Mr. A.R. Syed h/f Mr.Jadhavar Aashish T.

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

...

WITH

CRIMINAL APPLICATION NO. 4264 OF 2024

IN BA/1876/2024

SHIVAJI VYANKATRAO CHAPRE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Shaikh Tarek Mobin H.

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

...

CORAM : S. G. MEHARE, J.

DATE : 23rd October, 2024.

P.C.:

1. Heard the learned counsel for the applicants and the learned APP for the respondent-State.
2. The applicants seek bail in Crime No.295 of 2024 registered with Kandhar Police Station, Dist. Nanded, for the offences punishable under sections 118(2), 118(1), 189(2), 191(2), 191(3), 190, 352, 351(3) of the Bhartiya Nyay Sanhita.
3. After hearing the respective learned counsel, the Court expressed disinclination to grant bail to applicant no.1 Mahesh Sangram Hakale and applicant no.4 – Prakash Gangadhar Kamole,

the learned counsel for the applicants, on instructions seek leave to withdraw their bail prayers. Hence, their application stands dismissed.

4. The incident as alleged was that the deceased was going on the road. That time, another co-accused stopped him. Rest of the accused were occupying the seats in the Car. Co-accused Maruti Bhujang Kamole said that the injured was the instrumental to the arrest of his brother. He assaulted the first informant with knife on his eye. His maternal uncle came to rescue him, that time accused Mahesh and Prakash also assaulted him with knife. The present applicant bet the injured with sticks and serious injuries were caused to them. They had a case that since they are the relatives, they have been falsely implicated in the crime. Nothing is to be recovered from the applicants.

5. The learned APP and the learned counsel for the victim that the trial is in progress. Weapons are to be recovered in the crime. It was a predetermined crime. Therefore, the present applicants should not be granted bail.

6. As discussed above, the role attributed to the applicants is that they had used the sticks and caused the simple injuries to the injured. The weapons have been seized. The material investigation against them appears to have been completed. Therefore, their further detention would serve no purpose. Hence, the following order:

ORDER

- (i) Bail Application is partly allowed.

- (ii) Applicant no.2 – Gajanan Bhujanga Kamole, applicant no.3 – Dnyaneshwar Bhujangrao Kamole and applicant no.5 – Prabhu Gangadhar Kamole 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 by each of them, in the above crime for the aforesaid offences, on the following conditions :
- (a) The applicants should not tamper with the prosecution witnesses.
 - (b) The should attend the concerned police station as and when required on written notice by the Investigating Officer till filing of the chargesheet.
- (iii) Criminal Application No.4264 of 2024 stands disposed of.

(S.G. MEHARE, J.)

sga