



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

BAIL APPLICATION NO. 2264 OF 2023

1. Balu s/o Tukaram Wankhede
Age : 45 years, Occu. : Labour,
2. Satyawar @ Satish s/o Tukaram Wankhede
Age : 36 years, Occu. : Labour
3. Sanket s/o Balu Wankhede
Age : 21 years, Occu. : Labour

All R/o. : Kanergaon Naka,
Tq. And Dist. : Hingoli

.. Applicants

Versus

The State of Maharashtra
Through Goregaon Police Station,
District Hingoli.

.. Respondent

Mr. Chaitanya C. Deshpande, Advocate for the Applicants.
Mrs. Pratibha J. Bharad, APP for Respondent.
Mr. S. V. Suryawanshi, Advocate for Assist to APP.

CORAM : SANJAY A. DESHMUKH, J.

DATED : 15th JANUARY, 2024.

P. C. :-

. Heard both sides at length. This Court shown disinclination for granting application of the applicant Nos. 1 and 2, the learned advocate for the applicants on instructions prays for withdrawal of the application in respect of applicant Nos. 1 and 2.

2. The application is disposed of as withdrawn in respect of applicant Nos. 1 and 2.

3. The applicants are arrested in Crime No. 311/2023 registered with Goregaon Police Station for the offence punishable under Sections 307, 326, 504, 506 r/w Section 34 of the Indian Penal Code (for short "I.P.C.").

4. It is averred in the report that, the applicants raised quarrel on account of earlier compromise of the matter on the part of injured witnesses. The applicant Balu assaulted Gajanan Gawande by an axe on his head. Rushikesh Satyawar @ Satish Wankhede also assaulted by an iron rod on his left waist. Satyawar @ Satish assaulted informant by sickle on his head. The applicant Sanket assaulted by iron rod on the left rib and stomach of the informant. That time accused Balu tried to drive the car on the person of Gajanan and attempted to commit his murder. Accordingly, the report was lodged immediately.

5. The learned advocate for the applicants submitted that, injuries sustained to the injured witnesses are not serious injuries. Those are simple injuries. The applicants have roots in the society. The practical investigation is over and the custodial investigation is not necessary. He

prayed for bail.

6. Heard learned A.P.P. for the State and learned advocate Mr. Suryawanshi assisting to the prosecution. Perused the papers of investigation.

7. The learned A.P.P. pointed out that the applicants and other accused assaulted informant and injured witnesses severely by an axe, iron rod and also tried to drove the car on the cousin of the informant. All these facts show that the applicants are involved in the serious crime.

8. The learned advocate Mr. Suryawanshi assisting to prosecution pointed out the report of medical examination of the injured witnesses and the photographs of injured witnesses and the informant. He submitted that the applicants are involved in the serious crime. The possibility of commission of same kind of offence on their part cannot be ruled out. He prayed to reject the application.

9. The papers of investigation show that there is one grievous injury and head injury to the injured witnesses. However, the applicant Sanket though involved in the offence and assaulted informant on his left rib and stomach, considering his role and the fact that he has roots in the society as well as custodial investigation of this applicant is not

necessary, the application in respect of applicant No. 3 – Sanket Balu Wankhede deserves to be allowed on certain conditions.

10. The application in respect of applicant No. 3 - Sanket Balu Wankhede is allowed.

11. The applicant No. 3 - Sanket Balu Wankhede in connection with Crime No. 311/2023 registered with Goregaon Police Station for the offence punishable under Sections 307, 326, 504, 506 r/w Section 34 of the I.P.C. be released on bail on execution of P.R. bond of Rs. 25,000/- (Rs. Twenty Five Thousand only) with one surety of the like amount on following conditions :-

i) The applicant No. 3 - Sanket Balu Wankhede shall not enter into village Kanergaon Naka, Taluka and District Hingoli till the decision of the trial.

ii) The applicant No. 3 - Sanket Balu Wankhede shall not pressurize the prosecution witnesses and tamper with the evidence.

12. The application is disposed of.

(SANJAY A. DESHMUKH, J.)

PS.B.