



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 BAIL APPLICATION NO. 2323 OF 2023

1. Shekhar @ Chandrashekhar Vrashiket Pawar
2. Bibhishan Vrashiket Pawar
3. Rahul Kundlik Pawar

..APPLICANTS

-VERSUS-

The State of Maharashtra

..RESPONDENT

Advocate for Applicants : Mr. Satej S. Jadhav

APP for Respondent/State : Mrs. Pratibha J. Bharad

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CORAM : SANJAY A. DESHMUKH, J.
DATED : 4th MARCH, 2024.

PER COURT :-

1. The applicants are seeking bail under section 439 of the Criminal Procedure Code, 1973 (for short, "Cr.P.C."). The applicants have been arrested in connection with crime No.129 of 2021 registered with Nilanga police station, Dist. Latur, for the offences punishable under Sections 302, 307, 143, 147, 148, 149, 324, 323, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act.

2. It is averred in the report by the informant that on 17.05.2021, informant was proceeding by motorcycle along with his cousin Sunil Solunke and brother-in-law Anant Mohite. They went to

Latur District Central Co-operative Bank, Nilanga in order to withdraw some amount. When they are on Sindkhed-Yelnoor road at about 3.00 p.m., the applicants and other accused with whom earlier quarrel took place came there by white colour Bolero Jeep and Innova Car as well as Creta Car. Other co-accused along with this applicants came there and started to assault informant and others. They assaulted them by sticks, stones etc. Informant run away to save himself from that spot. His father was assaulted by sticks and stones and he was crying and saying that they should not kill him. One Sidheshwar Mane caught hold his father and said that they will eliminate the informant and his father. He assaulted on his stomach but informant could save himself. That time, Venkat Mane, Deepak Karan Solunke, Vikram Karan Solunke, Bibhishan Pawar, Shekhar Pawar, Rahul Pawar assaulted informant on his stomach and thigh. He fell down. Thereafter, all the accused run away with their Cars towards village Yelnoor. The report was lodged.

3. The learned advocate for the applicants submitted that the applicants' role is not specified and there are allegations against them that they participated in that crime by using sticks and stones. The applicants have roots in the society. They have no criminal antecedents. Trial will take long period. It is lastly prayed to allow the application.

4. The learned APP for the State strongly opposed the application and submitted that names of these applicants are mentioned in the report. They are prosecuted for serious crime. They will certainly pressurize the prosecution witnesses. It is pointed out that even the trial Court has mentioned the cursory conduct of the applicants that they are absconding for more than two years and six months. Considering the serious nature of the crime, it is lastly prayed to reject the application.

5. Perused the charge-sheet and particularly the report and statements of the witnesses. The applicants' names are mentioned in the report. However, three co-accused have got bail. The applicants' role is that they have used the sticks and stones for assaulting the informant and his father. The applicants have no criminal antecedents and they will not flee away from the trial. Considering their role, the application deserves to be allowed on certain stringent conditions. Hence, the following order.

O R D E R

- I. Application is allowed.
- II. The applicants in connection with crime No.129 of 2021 registered with Nilanga police station, Dist. Latur, for the offences punishable under Sections 302, 307, 143, 147, 148,

149, 324, 323, 504, 506 of the Indian Penal Code and section 135 of the Maharashtra Police Act, be released on bail on furnishing personal bond of Rs.50,000/- each with one surety of the like amount by each of them on following conditions:-

- a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
- b) The applicants shall not enter into village Yelnoor, Tq.Nilanga, Dist. Latur for one year from today.

III. If the applicants commit breach of any of the above conditions, the trial Court is at liberty to proceed further to cancel their bail without reference to this Court.

(SANJAY A. DESHMUKH, J.)

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