

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2038 OF 2023

Sambhaji Digambar Sarvode And Anr. ...Applicants
Versus
State Of Maharashtra ...Respondent

WITH

INTERIM APPLICATION NO. 3196 OF 2023

Mohan Shankar Bansode ...Applicant
Versus
State of Maharashtra ...Respondent

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Mr. Ritesh Thobade a/w Adv. Zubi Ansari, Adv. Changdev S., Advocate for the Applicants in BA/2038/2023.

Mr. Shailesh Chavan i/by Mr. Milind Deshmukh, Advocate for Applicant in IA/3196/2024.

Mrs. Veera Shinde, APP for the Respondent – State.

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CORAM : ANIL S. KILOR, J.
DATE : 19th JUNE, 2024.

P.C.:

1. Heard.
2. By this application under Section 439 of the Code of Criminal Procedure the applicants are seeking bail in Crime No.192 of 2023, registered with Akhuj Police Station, District: Solapur for the offences punishable under Sections 307, 323, 324, 506, 504 r/w 34 of Indian Penal Code (for short 'IPC'), Sections 4,

25 and 27 of Arms Act, 1959.

3. Learned Counsel for the Applicants submit that the Applicants are in jail from last about one year and since the charge-sheet has been filed, further custody of the Applicants are not required. It is submitted that though Section 307 of IPC has been applied, there is no evidence attracting offence under Section 307 of IPC. He therefore, prays for grant of bail.

4. Learned APP and learned Counsel for the Intervenor strongly opposed the application and submits that during the investigation, sufficient material is collected by the Investigating Officer to show the involvement of the Applicants in the alleged offence. Accordingly, he prays for rejection of the present bail application.

5. After going through the injury report filed alongwith the charge-sheet, it appears that there was superficial abrasion, deep abrasion and also contusion. All the injuries are simple in nature.

6. In the above referred backdrop, considering the fact that the charge-sheet has already been filed and further custody of the Applicants is not required, I am of the opinion that this is fit case of grant of bail. Accordingly, the application is allowed.

ORDER

- i. Criminal Bail Application No. 2038 2023 is allowed;
- ii. It is directed that the Applicants shall be released on bail in Crime No.192 of 2023, registered with Akluj Police Station, District: Solapur for the offences punishable under Sections 307, 323, 324, 506, 504 r/w 34 of Indian Penal Code IPC, Sections 4, 25 and 27 of Arms Act, 1959, on furnishing P.R. Bond of Rupees Twenty Five Thousand with one solvent surety in the like amount;
- iii. The Applicants shall attend the Police Station on 1st and 16th day of each month between 12:00 noon to 2:00 p.m. till conclusion of trial;
- iv. The Applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, as also not tamper with the evidence;
- v. Liberty is granted to the State for cancellation of bail if the Applicants commit similar offence;
- vi. The Applicants shall attend the trial before the Trial Court regularly on every date unless exempted by the Trial Court for any reason.

vii. Application stands disposed off, accordingly.

viii. In view of above, Interim Application also stands disposed off.

(ANIL S. KILOR, J.)