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| 1. Revansiddha Apparaya Barur |     |            |
| 2. Sidharaya Jakanna Barur    | ... | Applicants |
| Versus                        |     |            |
| The State of Maharashtra      | ... | Respondent |

Mr. Aniket Nikam a/w Amit Icham for the Applicant.  
Mr. H. J. Dedhia, APP for the State.

CORAM : N.R. BORKAR, J.  
DATED : 20 JANUARY 2024

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. Learned counsel for the applicants seeks leave to withdraw the application qua the applicant No. 1 with liberty to file fresh bail application after nine months.

3. The applicant No. 2 came to be arrested in Crime No. 233 of 2022 registered at Mangalvedha Police Station for the offences punishable under Sections 307, 324, 504, 506 r/w 34 of the Indian

Penal Code and Section 25(4) of the Arms Act.

4. I have heard the learned counsel for the applicants and the learned APP for the respondent-State.

5. There was boundary dispute between the complainant and applicant No. 1 and thus there was enmity between them. According to the prosecution, on account of the said enmity, on the date of incident which took place on 27 March 2022, the present applicants and other unknown persons assaulted the complainant and his cousins by swords and other sharp weapons and attempted to commit their murder.

6. I have perused the statement of the complainant. Though assault appears to be brutal, however, the main allegations are against Revansiddha Barur and Apparaya Barur. The applicant No. 2 is in jail for more than two years and the trial is still at the stage of framing of charge.

7. Considering the overall facts and circumstances, I am inclined to release the applicant No. 2 on bail. Hence, the following order is passed:

- (i) Application is partly allowed.
- (ii) The application qua applicant No. 1 is rejected as withdrawn with liberty as sought for.
- (iii) The applicant No. 2 shall be released on bail in Crime No. 233 of 2022 registered at Mangalvedha Police Station for the offences punishable under Sections 307, 324, 504, 506 r/w 34 of the Indian Penal Code and Section 25(4) of the Arms Act on furnishing PR bond in the sum of Rs. 25,000/- with one or two sureties in the like amount.
- (iv) The applicant No. 2 shall not enter into the limits of Jat Taluka till conclusion of trial.

( N.R. BORKAR, J. )