



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2035 OF 2024

1. Ravindra Kalusing Thakare
Age : 35 years, Occ : Labour,
R/o: Amoda, Tal. Shahada,
District Nandurbar.
2. Rahul Motilal Padvi
Age : 22 years, Occ: Labour,
R/o: Fattepur, Tal. Shahada,
District Nandurbar.

... Applicants.

Versus

State of Maharashtra
Through Police Station Mhasawad,
District Nandurbar.

... Respondent

.....
Mr. Sushil P. Pandit, Advocate for the Applicant.
Mr. N. D. Batule, APP for Respondent-State.
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CORAM : ABHAY S. WAGHWASE, J.

DATE : 21.01.2025

ORDER :

1. Both applicants herein seek their enlargement on regular bail in consequence to their arrest in crime no. 0162 of 2024 registered at Mhasawad Police Station, District Nandurbar for offences under sections 302, 307, 341, 342, 143, 147, 148, 149, 364, 323 of IPC, Section 4/25 of the Arms Act r/w Section 37(1)(3) and 135 of the Maharashtra Police Act.

2. In support of relief, learned counsel pointed out that applicants are falsely implicated, that too by invoking and alleging provisions like forming unlawful assembly. He pointed out that, alleged occurrence is of 12.06.2024, but no overt act or specific role is attributed to both present applicants. He pointed out that, main allegations are against one Ravindra. Learned counsel pointed out that, there is no convincing, cogent eye witness account. It is pointed out that, informant Vikas Sanga Patle has allegedly given statement while in hospital on 13.06.2024, naming one Pawan, Jeevan, Mohan, Vikas Vishnu Pawar and some six to seven persons and he further allegedly stated that four to five amongst them were residents of Amoda. Learned counsel pointed out that he, in his statement specifically stated that he did not give their names as he was not knowing about it. That, later on, in supplementary statement on 15.06.2024, some names including present two applicants have appeared. Learned counsel questions and specifically objects about contrary versions given in first statement and supplementary statement. He pointed out that, surprisingly no TI parade has been conducted. That, on what basis names are given and identification is made is not clarified. He further pointed out that statements of some witnesses are recorded in July 2024, but none of them has specified

or defined roles played by both present applicants. He also submitted that alleged incidence is to be in the backdrop of previous dispute, but there is not clarity as to which dispute it was related to. That, now chargesheet is filed. Nothing is shown to be recovered or discovered at the instance of present applicants and hence he seeks relief of bail as applicants are said to be behind bars since more than six months.

3. While opposing the application, learned APP pointed to the offences for which crime has been registered. Learned APP submitted that though there is no recovery at the instance of present applicants, but they are associates of main accused and their names have appeared in the supplementary statement. There are allegations of giving kicks and fist blows. Consequently, for such reasons, learned APP prays to reject the application.

4. After considering the submissions advanced above and on going through the papers, it is emerging that FIR dated 13.06.2024 is at the instance of one Vikas Sanga Patle and he has named six persons along with six to seven other persons for carrying out assault on him as well as Anil Dhansing Walvi and Sawan Gopal Pawar by means of fighter and wooden *dengara* (wooden stick). He has reported that said assault was made in backdrop of previous dispute, but as pointed out,

previous dispute is not highlighted. Be it so. In the report resulting into crime, five persons are specifically named along with six to seven unknown persons. As pointed out, in the statement dated 15.06.2024, names of present applicants are also provided. Apparently, allegations against present applicants are indulging into giving fist and kick blows. Now investigation is said to be over and charge sheet is already filed. Taking the above discussion into consideration relief as prayed deserves to be granted. Hence, I proceed to pass the following order:

ORDER

- I. The application is allowed.
- II. Applicants [1] Ravindra Kalusing Thakare and [2] Rahul Motilal Padvi, be released on bail in connection with Crime No. 0162 of 2024 registered at Mhasawad Police Station, District Nandurbar, on executing Personal Bond of Rs. 15,000/- each with one surety each in the like amount.
- III. The applicants shall not tamper prosecution evidence.

[ABHAY S. WAGHWASE, J.]

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