



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

BAIL APPLICATION NO. 2206 OF 2024

Santosh S/o Rambhau Gore
Age: 45 years, Occu.: Agri.,
R/o. Shirasgaon, Newasa,
Dist.Ahmednagar.

....Applicant

Versus

The State of Maharashtra

.....Respondent

.....

Advocate for Applicant : Mr. Somnath G. Ladda
APP for Respondent : Mr.VM.Jaware

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 10 JANUARY, 2025

PRONOUNCED ON : 13 JANUARY, 2025

ORDER :

1. Applicant seeks grant of regular bail as a result of his arrest in Crime no.0204 of 2024 registered at Newasa Police Station, District Ahmednagar for offence under Sections 307, 341, 324, 323, 143, 147, 148, 149, 504, 506 of the Indian Penal Code IPC.

2. Learned Counsel for the applicant submitted that alleged occurrence is of 28-02-2024 and FIR is registered on 29-02-2024. Learned Counsel pointed out that there is dispute over agricultural land. That as regards to present applicant is concerned, there are allegations of assault on shoulder of Eknath. That in FIR, general

allegations are raised against 3-4 persons. Learned Counsel took this Court through the statement of said injured Eknath and pointed out that he himself stated that blow was inflicted on shoulder and there was no assault on vital part. That injury certificate shows lacerated wound on shoulder part and Doctor has certified said injury to be simple in nature. That other grievous injuries are not attributed to present applicant by the injured. That this Court by order dated 23-08-2024, had granted regular bail to Devidas Santosh Gore, who allegedly used axe in assaulting informant Ganesh. He pointed out that even one Bhausahab Ramnath Kakade, who is also named in the FIR, is beneficiary of anticipatory bail at the hands of this Court on 05-04-2024. That now nothing is to be recovered from applicant and hence, for above reasons, learned Counsel prays for grant of regular bail.

3. Learned APP, who opposed, would point out that there is formation of unlawful assembly and with common object, assault has been mounted. That there is use of articles like axe. That roles of each of the persons named in the FIR are defined. According to learned APP, serious offence is committed. Therefore, he prays to dismiss the appeal.

4. Heard. Perused the papers including the chargesheet. Apparently, occurrence is of 28-02-2024 and applicant is shown to be arrested on 17-08-2024. As regards to applicant is concerned, there are allegations of assaulting one Eknath and as pointed out, this injured witness has suffered injury on the shoulder and his medical certificate further shows that said injury is simple in nature. Therefore, taking such accusation into consideration and when chargesheet is shown to be filed, and further when nothing is shown to be yet recovered or discovered at the instance of applicant, relief as prayed deserves to be granted. Hence, the following order :

ORDER

- (i) Application is allowed.
- (ii) Applicant Santosh S/o Rambhau Gore be released on bail in connection with Crime no.0204 of 2024 registered with Newasa Police Station, District Ahmednagar on executing Personal Bond of Rs.15,000/- with one surety in the like amount.
- (iii) Applicant shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE)
JUDGE