



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

BAIL APPLICATION NO. 2308 OF 2024

Gorakh S/o. Uttam Bharade,
Aged : 32 years, Occu. : Labourer,
R/o. Shanishinganapur, Tq. Newasa,
Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra,
Through the Police Station Officer,
Shanishinganapur Police Station,
Dist. Ahmednagar.

... Respondent.

WITH

BAIL APPLICATION NO.2309 OF 2024

Mahesh S/o. Ashok Kurhat,
Aged : 24 years, Occu. : Labourer,
R/o. Shanishinganapur, Tq. Newasa,
Dist. Ahmednagar.

... Applicant

Versus

The State of Maharashtra,
Through the Police Station Officer,
Shanishinganapur Police Station,
Dist. Ahmednagar.

... Respondent

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Mr. Nitin Bhavar Patil LLP Advocates and Legal Consultancy,
Advocate for Applicants (Through V.C.)
Mr. N. D. Batule, APP for Respondent - State.

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CORAM : ABHAY S. WAGHWASE, J.

RESERVED ON : 16 JANUARY 2025

PRONOUNCED ON : 17 JANUARY 2025

ORDER :

1. Both applicants seek grant of regular bail on account of

their arrest in crime no. 248 of 2024 registered with Shani Shingnapur Police Station, Dist. Ahmednagar dated 21.10.2024 for offence punishable under sections 109, 118(1), 115(2), 189(2) and 189(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and under sections 4, 25 and 7 of the Arms Act.

2. Learned counsel for the applicants pointed out that, there is false implication. That, there was quarrel between two groups. Both sides have lodged FIR. He pointed out that, police had arrived at the scene of occurrence and there is FIR at the instance of police machinery also. That, both applicants are arrested in present crime on 12.11.2024 regarding FIR dated 21.10.2024. Learned counsel submitted that, applicants are not named in the FIR. That, their roles are also not crystallized. That, allegations of use of sickle and cement paver block are against other accused. That, nothing is recovered from present applicants. Now, investigation is already over and hence, learned counsel seeks relief of regular bail.

3. While opposing the above applications, learned APP pointed out that, above crime has been registered on the report of one Vikas Kusalkar, alleging that, on 20.10.2024, around 4:30 p.m., on Shani Shinganapur Road, when informant and his friend were proceeding on his motorcycle, one Arjun Mahale and Lakhan Dhage

and some unknown persons mounted assault on them by means of paver block and sickle along with kicks and fist blows and tried to commit murder and caused grievous injuries. That, injury certificate of informant shows grievous injuries. That, investigation subsequently revealed that, applicant had used sickle. That, investigation still is in progress and for all above reasons, learned APP opposes the application.

4. Perused the FIR and papers placed by learned APP. It appears that, one Vikas Kusalkar was proceeding on his motorcycle with his friend Suraj Kusalkar. It is reported that, around 4:30 p.m, one Arjun Mahale and Lakhan Dhage intercepted their vehicle, questioning why cut was given to his vehicle and picked up quarrel on that count. Informant claims that, Arjun Mahale went to parking and returned with *Koyta* and gave blow on his head. Whereas, Lakhan and other unknown persons gave kicks and fist blows. His friend Suraj was also assaulted by iron angel and on such report Shani Shingnapur Police registered crime bearing no.248 of 2024 for above offences. As pointed out, only names of Arjun and Lakhan are specifically narrated in the report and allegations are levelled against unknown 10 to 15 persons for giving fist and kicks blows. Statement of friend of informant, namely, Suraj is also recorded. He also has named only Arjun and Lakhan for using paver block and sickle.

Injury certificate of informant shows that he has suffered grievous injuries. However, apparently, allegations of using sickle is against non applicant Arjun.

Taking the contents of the report and nature of allegations about use of sickle by non applicant Arjun and that there is report regarding 10 to 15 unknown persons mounted assault, bail as prayed deserves to be granted. Hence, I proceed to pass the following order :-

ORDER

- (i) Both applications are allowed.
- (ii) Applicants, Gorakh S/o. Uttam Bharade and Mahesh S/o. Ashok Kurhat be released on bail in connection with Crime No. 248 of 2024 registered with Shani Shingnapur Police Station, Dist. Ahmednagar on executing P.B. of Rs.15,000/- each with one surety each in the like amount.
- (iii) Applicants shall attend the concerned police station as and when called by the Investigating Officer and shall co-operate in the investigation.
- (iv) Applicants shall not tamper prosecution evidence.

(ABHAY S. WAGHWASE, J.)