

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

CRIMINAL APPLICATION NO. 5586 OF 2015

Vikas s/o Raghu @ Fakkad Pawar **APPLICANT**

V E R S U S

The State of Maharashtra **RESPONDENT**

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Mr. R.S.Deshmukh, Advocate for Applicant.

Mr. S.M.Ganachari, A.P.P. for Resp.-State.

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CORAM : INDIRA K. JAIN, J.

DATE : 18th NOVEMBER, 2015

ORAL ORDER :-

1. Applicant is involved in Crime No. I-170/2015 registered at Parner police station, district Ahmednagar for the offences punishable u/ss 307,395 of the Indian Penal Code and Section 4/25 of the Arms Act, 1959.

2. It is the case of prosecution that on 13/05/2015 complainant Sudam Baban Pawar along with

Dy. Sarpanch Jalindar Zarekar was coming to village from Shirur in a Scorpio. It is alleged that near Pawarwadi present applicant and other accused stopped the vehicle. Co-accused Amol got down and boarded in Scorpio of complainant. Complainant was asked to take the vehicle to Ratneshwar temple for settling previous dispute took place on 11/05/2015 between Dattatraya and Narayan Gavane. Complainant then took the vehicle to Ratneshwar temple. Accused followed the vehicle of complainant.

3. According to prosecution when they reached near temple applicant rushed with a sword and assaulted complainant on his knees. He was assaulted by other accused with sword. Complainant sustained bleeding injuries and fell down on the ground. That time applicant and other accused snatched away a gold chain and ₹ 10,000/- [Rupees Ten Thousand] from pocket of complainant and fled away. Complainant was taken to hospital. Report was lodged on the basis of which above said crime came to be registered.

4. Learned A.P.P. submitted police papers for perusal. Charge sheet has been filed. It appears from injury certificate that parts of the body chosen for assault were knees of complainant. As per medical certificate injuries were grievous in nature.

5. Referring to injury certificate, learned counsel for applicant vehemently contended that looking

to the parts of body chosen for alleged assault, prima facie offence u/s 307 of the Indian Penal Code would not be attracted.

6. Per contra, learned A.P.P. submitted that statements of two eye witnesses came to be recorded and they support the prosecution. On perusal of statements of witnesses Hiranman Baban Pawar and Baban Bhau Pawar it can be seen that their statements are identical in verbatim except change in the name and age.

7. Considering the nature of offences, manner of incident and the fact of applicant being in custody since 17/06/2015 this Court finds it a fit case to enlarge the applicant on bail. Hence the following order.

8. (i) Criminal Application No. 5586 of 2015 is allowed.

(ii) Applicant Vikas s/o Raghu @ Fakkad Pawar is released on P.R. and S.B. of ₹ 20,000/- [Rupees Twenty Thousand] each.

(iii) Applicant shall not tamper with the prosecution evidence and shall make himself available as and when required by the investigating agency.

[INDIRA K. JAIN]
JUDGE

