

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

CRIMINAL APPLICATION NO. 5535 OF 2016

Pravin s/o. Subhash Patil .. Applicant
Age. 24 years, Occ. Labour,
R/o. Khedgaon (Nandiche),
Tal. Pachora, Dist. Jalgaon.
At present R/o. Raulwadi,
Chitod Road, Dhule.

Versus

The State of Maharashtra .. Respondent

Mr.P.B. Patil, Advocate for the applicant.
Mr.S.J. Salgare, APP for respondent/State.

CORAM : A.M. BADAR,J.

DATED : 26.10.2016

P.C. :-

1. The applicant/accused in Crime No.187 of 2016, registered with Dhule City Police Station, Dist. Dhule, for offences punishable under sections 307, 504, 509, 506 read with section 34 of the Indian Penal Code and under section 325, 4/25 of the Arms Act, by this application is seeking his release on bail.

2. Heard learned Counsel for the applicant as well as learned A.P.P.

3. Learned A.P.P. opposed the application by

contending that the crime in question is serious and a sword was used for assaulting Anil Dixit. Learned A.P.P. further argued that accused persons and prosecuting party are doing business of hotel in same locality and therefore the applicant is not entitled for bail at this stage.

4. I have perused papers of investigation. The crime in question is registered on the basis of report lodged by Pratibha Dixit. According to the prosecution case, Pratibha and her family members runs an eatery, named, Matoshri Bhojnalay, near national highway No.6 and in front of Hire Medical College at Dhule. In similar way, adjacent to their eatery, the present applicant and his associates are also running an eatery, named, Jay Malhar. The prosecution case is to the effect that on 26.08.2016 when the informant was at her work place, the applicant casted an evil eye on her by staring at her. Therefore, the informant told this fact to her brother-in-law. When the brother-in-law of the informant as well as her husband had tried to give understanding to the applicant and co-accused, the applicant abused them, went to his hotel, took out a sword and gave a blow thereof to Anil Dixit – brother-in-law of the informant. It is averred that other accused person caught hold of Anil, when present applicant gave blow of sword on his head.

5. Perusal of injury certificate issued by the General Hospital, Dhule shows that injured Anil is already discharged from the hospital. He has suffered contused lacerated wound on occipital region, which is reported to be simple in nature by the attending medical officer. Substantial part of the investigation of the crime in question is already over.

6. In this view of the matter, I see no reason to refuse bail to the present applicant. Hence, the order :-

O R D E R

i) The application is allowed.

ii) Applicant/accused - Pravin s/o. Subhash Patil, in Crime No.187 of 2016, registered with Dhule City Police Station, Dist. Dhule, for the offence punishable under sections 307, 504, 509, 506 read with section 34 of the Indian Penal Code and under section 325, 4/25 of the Arms Act, be released on bail on executing P.R.Bond of Rs. 25,000/- [Rupees Twenty Five Thousand] and on furnishing surety in the like amount.

(4)

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iii) As a condition of this Order, the applicant shall not extend any threat, inducement or promise to the persons acquainted with the facts of the accusation so as to dissuade them from disclosing the same either to the police or the Court.

iv) The applicant shall not tamper the evidence of the prosecution.

v) The applicant to co-operate the trial Court in the expeditious disposal of trial against him.

[A.M. BADAR, J.]