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

CRIMINAL APPLICATION NO.6789 OF 2016

Kiran Fakirchand Nikam,
Age: 23 years, Occu: Agril.,
R/o. Jamgaon, Taluka Gangapur,
Dist. Aurangabad ..APPLICANT

VERSUS

The State of Maharashtra
Through its Police Station
Incharge Gangapur Police
Station, Taluka Gangapur,
Dist. Aurangabad ..RESPONDENT

Mr Jagdish G. Toshniwal, Advocate h/f Mr R. B.
Bhosale, Advocate for applicant;
Mr A. V. Deshmukh, Addl. Public Prosecutor for
respondent

CORAM : A.S. CHANDURKAR, J.

DATE : 22nd DECEMBER, 2016

ORAL ORDER :

The applicant, who has been arrested on
21st June, 2016, in connection with Crime No. 261
of 2016 registered with Gangapur Police Station,
District Aurangabad, for the offences punishable
under Sections 307, 141, 143, 147, 148, 149, 323,
506 of the Indian Penal Code; under Sections 4/25

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of the Arms Act and under Section 135 of the Bombay Police Act, seeks his release on bail.

2. As per the first information report, the informant has stated that on 15th June, 2016, present applicant and four others had given threats to his friend Amol Shinde. The persons other than the present applicant had assaulted said Amol Shinde. On 16th June, 2016, the present applicant and two others assaulted the informant. The role attributed to the present applicant is assaulting the informant on his right leg with sword. The applicant was thereafter arrested on 21st June, 2016.

3. It is submitted by the learned Counsel for the applicant that the role attributed to him is assault on right leg of the informant Santosh. He submits that as per the injury certificate, the injuries are simple in nature and therefore, no offence under Section 307 of the Indian Penal Code is made out. It is then submitted that this Court

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by order dated 14th October, 2016 in Criminal Application No. 4804 of 2016 has released co-accused Mahesh Kashinath Kale after considering the nature of injuries. It is submitted that the chargesheet has now been filed and hence the applicant deserves to be released on bail.

4. The application is opposed by the learned Addl. Public Prosecutor by relying upon police papers. It is submitted that the offence is serious in nature and sword has been recovered at the instance of the applicant. Considering the nature of the injuries sustained by the informant, it is submitted that the application deserves to be rejected.

5. I have perused the chargesheet as well as other documents placed on record. As per medical certificate dated 1st July, 2016, injuries suffered by the informant Santosh are simple in nature. Same are stated to be caused by hard and blunt object. In that view of the matter and considering the observations made in the order dated 14th October,

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2016 in Criminal Application No. 4804 of 2016, the applicant has made out a case for his release on bail. Moreover, after seizure of incriminating material, chargesheet has been filed on 17th September, 2016.

6. In view of aforesaid, the following order is passed : -

(i) The applicant is directed to be released on bail in connection with Crime No. 261 of 2016 registered with Gangapur Police Station, District Aurangabad, for the offences punishable under Sections 307, 141, 143, 147, 148, 149, 323, 506 of the Indian Penal Code; under Sections 4/25 of the Arms Act and under Section 135 of the Bombay Police Act, on furnishing P.R. bond of Rs.15,000/-, with one surety in the like amount.

(ii) The applicant shall attend the Court of learned Sessions Judge, Vaijapur, Dist. Aurangabad on 10th January, 2017 and thereafter as per the directions of the learned Sessions Judge.

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(iii) The applicant shall not take any steps to influence the prosecution witnesses.

7. The observations made in this order are only for the purposes of deciding present application.

8. Criminal Application is allowed and disposed of.

(A.S. CHANDURKAR, J.)

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