

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

BAIL APPLICATION NO.91 OF 2016

Mahadeo Laxman Londe	...	Applicant
Vs.		
The State of Maharashtra	...	Respondent

Mr. A.H.H. Ponda, Adv. i/b. Shailesh D. Chavan, Adv. for the applicant.

Mrs. Veera Shinde, APP for the State.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 15th January, 2016.

P.C. :

1. This is an application for bail filed by the applicants above named who have been arrested in Crime No. 47 of 2015 registered with Pusegaon Police Station for offences punishable under Section 307, 334, 504, 506 r/w. 34 of the Indian Penal Code.

2. The case of the prosecution in brief is that on 21.5.2015 at about 7.45 p.m. the applicant no.1 (A2) herein called the victim Tukaram Londe to the house of the applicant no.2 (A3). It is alleged that when said Tukaram reached the house of the applicant no.2, the accused no.1 Mahadev assaulted him with a sword. Said Tukaram tried to runaway from the spot however the applicant and others

followed him and inflicted injuries on his hand and knee by means of a sword. Pursuant to the FIR lodged by Sambhaji Londe, the aforesaid crime was registered initially for offence under Section 325, 504, 506 r/w. 34 of IPC. The statement of the injured was recorded and upon considering the statement and the medical certificate Section 307 IPC came to be added.

3. The applicant was arrested on 23.5.2015. Upon completion of the investigation, chargesheet was filed before the learned JMFC, Vaduj. The offence under Section 307 IPC being Sessions triable, the case has been committed to the Court of Sessions and is registered as case no. 232 of 2015. The applicants herein had filed an application before the Sessions Judge, Vaduj and the same came to be rejected by order dated 28.8.2015. Hence, the present application.

4. Mr. Ponda, the learned counsel for the applicant submits that the applicant is in custody since 25th May, 2015. The investigation is completed and the presence of the applicant is not required for custodial interrogation. He has further submitted that the only allegations against the applicant is that he had inflicted injury on left arm and on left wrist of the complainant. He has stated

that the co-accused from whom the weapon of offence was recovered already been released on bail.

5. Mrs. Shinde, the learned APP for the State submits that the applicant had inflicted serious injuries on the victim. She submits that the material on record prima facie reveals the involvement of the applicant in committing offence under Section 307 of the IPC.

6. I have perused the records and considered the submissions advanced by the learned counsels for the respective parties. The statement of the injured witness prima facie reveals that on 21st May, 2015 he was called to the house of Vijay on the pretext of returning the money. The statements of the injured and the other witnesses reveal that the applicant herein, who was present in the house of Vijay, the injured, Tukaram had assaulted by means of a sword and had inflicted injury on his left arm and wrist. The medical records prima facie reveal that the injured was treated at Primary Health Centre at Pusegaon, Khatav and thereafter at the Y.C.M. Hospital at Pimpri, Chinchwad and thereafter at Ruby Hall Clinic, Pune. The medical certificate also reveals that the injuries sustained by the injured witness were of grievous nature. It is however to be noted

that none of the injuries are on the vital part of the body. The medical certificates do not prima facie indicate that the injury sustained by the injured Tukaram were sufficient to cause death in the ordinary course of nature.

7. Be that as it may the applicant, who is a young boy of 27 years is in custody since 25th May, 2015. The chargesheet is filed and the presence of the applicant is not required in custody. The applicant has no criminal antecedents. He is a permanent resident of Revalarkarwadi, Tal. Khatav, Dist. Satara and there is no possibility of the applicant absconding. Considering the above facts and circumstances and age of the applicant the application is allowed on the following terms and conditions.

1. The applicant is ordered to be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the learned Sessions Judge, Vaduj.

2. The applicant shall not interfere with the complainant, the victim and the other witnesses or tamper with the evidence in any manner.

3. The applicant shall stay away from Revallkar Wadi, for a period of three months from the date of the order.
4. The applicant shall furnish to the investigating officer his contact number as well as permanent as well as temporary address.

(ANUJA PRABHUDESSAI, J.)