

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

21 CRIMINAL APPLICATION NO. 1189 OF 2017

ANIKET S/O SUNIL MUTHA
VERSUS
THE STATE OF MAHARASHTRA

Shri. Abhay Ostwal, Advocate, for applicant.

Shri. K.N. Lokhande, Additional Public Prosecutor, for
respondent.

Coram: T.V. NALAWADE, J.

Date: 15 March 2017

ORDER:

1) The application is filed for grant of bail. Both
the sides are heard.

2) It was submitted that, this is the first
application filed in this Court and no similar proceeding is
pending in any other Court.

3) The incident in question took place on 10-1-
2017 at about 2.45 p.m. on MIDC – SP Chowk Road. It is
the contention of the complainant that the complainant
was driving four wheeler and at the signal when the

vehicle which was ahead of the vehicle of the complainant applied brakes. He also applied brakes and then the vehicle which was coming from back side touched his vehicle. Then there was some altercation and then present applicant came out of his vehicle with sword and gave blows of the sword on the complainant. On the same day the crime came to be registered for offences punishable under section 307 of the Indian Penal Code and section 4 read with 25 of the Arms Act.

4) The learned Additional Public Prosecutor submitted that there were eye witnesses to the incident. The complainant did sustain injuries. This Court has seen the injury certificate showing that there was one CLW over right chick and abrasion over left arm. The injuries were caused by hard and blunt object. The patient was discharged on 10 January 2017 itself at 6.00 p.m. The learned Additional Public Prosecutor submitted that blow was given on vital parts but as the hand was raised, the blow fell on the hand and so the applicant is not entitled to grant of the bail. The submissions made show that there are no bad antecedents against the applicant.

5) The submissions made show that the applicant is behind the bars for about 2 months. It can be said that the incident of assault took place due to other incident reported in the FIR. The FIR does not show that the applicant was known to the complainant. In view of these circumstances, this Court holds that the applicant must have learnt the lesson and it is not desirable to keep him behind the bars till the trial of the case which may be filed against him is over.

6) In the result, the application is allowed. The applicant is to be released on bail in Crime No.I-11/2017 registered in Topkhana Police Station, District Ahmednagar for offence punishable under section 307 of the Indian Penal Code and section 4/25 of the Indian Arms Act on his furnishing PB and SB of Rs.25,000/- (Rs. Twenty Five Thousand Only). The applicant is not to tamper with prosecution witnesses.

Sd/-
(T.V. NALAWADE, J.)

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