

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL BAIL APPLICATION NO. 807 OF 2019**

Shubham Nandu Avatare Applicant
Versus
The State of Maharashtra Respondent

- Mr. Satyavrat Joshi I/b. Sunil S. Kamble, for Applicant.
- Mr. S. R. Agarkar, APP for the State/Respondent.
- Mr.G. N. Aatwe, PSI, Chinchwad Police Station present.

**CORAM : SARANG V. KOTWAL, J.
DATE : 19th JUNE, 2019**

P.C. :

1. The Applicant is seeking bail in connection with C.R.No. I 259 of 2018 registered with Chinchwad Police Station, under sections 326, 323, 143, 144, 147, 148, 504, 120B r/w. 34 of the Indian Penal Code and section 4(25), 4(27) of Indian Arms Act and Section 37(1) r/w. 135 of Maharashtra Police Act. Subsequently Section 307 of the I.P.C. is also added.

2. The FIR in this case is lodged by the injured Akash Kasbe 31/07/2018. He has stated that in the month of April, 2018 one Akshay Kamble had lodged complaint against the informant Akash Kasbe regarding assault committed by him. For this, the informant was arrested and was released on bail.

3. On 30/07/2018, when he had reached his home after attending his duty, one Vikas Bhise suddenly came in front of him and assaulted him with sickle on his left hand. One Raju Hirve kicked him due to which he fell down. One Dadya Bhise assaulted him with sickle on his head and right hand. When he had fallen down, the present applicant and three others assaulted him with kicks and fist blows. He took shelter in the house of Ranjana Bansode and started shouting. The assailants ran away from the spot. Based on these allegations, the FIR is lodged.

4. The investigation is over and the charge-sheet is already filed. The charge-sheet contains statement of two eye witnesses Nanda Kamble and Mangesh Kamble who have stated similar story as mentioned in the FIR. The medical certificate shows that the first informant had suffered ten incised wounds which are attributed to the assault by other accused.

5. Heard Shri. Joshi, learned counsel for the applicant and Shri. Agarkar, learned APP for the State.

6. Shri. Joshi submitted that the offence U/s.307 of the I.P.C. is not likely to escalate further. The victim is out of danger

and in any case much lesser role is attributed to the applicant. Learned APP submitted that the offence is serious and he shared common object with the main accused. Considering the fact that the medical certificate only mentioned incised injuries, no serious injuries are caused by fists and kick blows. The victim is out of danger since the day of incident dated 30/07/2018. The statements of the victim and the eye witnesses show that the present applicant had not used any weapon but had assaulted the victim by kicks and fist blows. Considering all these aspects, the applicant has made out a case for his release on bail.

7. Hence, the following order :

ORDER

- (i) In connection with C.R. No.I 259 of 2018 registered with Chinchwad Police Station, the applicant is directed to be released on bail on his furnishing PR bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
- (ii) Application stands disposed of accordingly.

(SARANG V. KOTWAL, J.)