

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO. 1507 OF 2019

Udhalsingh Rajusingh Dudhani

.... Applicant

versus

The State of Maharashtra

.... Respondent

.....

- Mr. Aniket Nikam I/b. Vivek N. Arote, Advocates for Applicant.
- Mr. Prashant Jadhav, APP for the State/Respondent.

**CORAM : SARANG V. KOTWAL, J.
DATE : 21st AUGUST, 2019**

P.C. :

1. The applicant is seeking his release on bail in connection with C.R. No.591/2017 registered with Wanawadi Police Station, District Pune, under Sections 307, 325, 324, 323, 506(2) r/w. 34 of IPC, under Section 3, 4 r/w. 25 of the Indian Arms Act and under Sections 37(1) r/w. 135 of the Mumbai Police Act.

2. The FIR is lodged by the injured himself i.e. Ramchandra Ghuge. The FIR is lodged on 28/12/2017. The applicant was

working as a Security Advisor with a builder. On that day, at about 10.30 a.m. he attended a meeting at Ramtekdi in Prathama Building. At around 12.15 p.m. he was walking at the site with Ramnath Vaidya, Project Manager Manoj Kadam and Siddhu Patil. Suddenly, 3 to 4 persons came running towards him. The present applicant was carrying sword and others were carrying iron rods and sticks. The applicant confronted him asking as to why he had lodged a case for extortion against him. Before the informant could reply, the applicant tried to give blow with a sword on his head. The informant warded off that blow with his hand due to which he suffered injury to his left palm. The other assailants Malke Singh and Aniket Gaikwad assaulted him with iron rod and stick on his right leg. Thereafter, they left the spot. The informant was taken to the hospital. Thereafter, he lodged his FIR. The investigation was carried out. The applicant was arrested on 28/12/2017 and since then, he is in custody. The investigation is over and chargesheet is filed. The chargesheet contains statements of other eye witnesses who were present when the incident occurred. Those eye witnesses are Ramnath Vaidya, Project

Manager Manoj Kadam and Siddhu Patil. All of them have narrated the same story as narrated in the FIR.

3. Heard Mr. Aniket Niakm, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State.

4. With their assistance, I have gone through the chargesheet annexed to this application. Mr. Nikam submitted the informant suffered injuries on the hands and legs. The injuries were not on any vital part of the body. At the most, offence under Section 326 is made out. There was no intention of committing his murder. Nothing prevented the applicant from causing murder of the victim if they so intended.

5. Ld. APP submitted that the offence is serious and the informant's statement is corroborated by the statements of the eye witnesses.

6. I have considered these submission. Perusal of the injury certificate shows that the informant had suffered four injuries. Injury to the left palm is attributed to the present applicant. Other injuries are not attributed to the present applicant. The FIR and

other statements show that those injuries were caused by other accused. Hence, there is considerable force in the submission of Ld. Counsel Shri. Nikam that offence under Section 307 of IPC is not made out at this stage. Undoubtedly, the informant had suffered fracture at two places. However, there is no serious injury on any vital part of the body. Considering the fact that the applicant is in custody since 28/12/2017, no further purpose will be served by detaining him till conclusion of the trial. In this view of the matter, I am inclined to grant bail to the applicant. Hence, the following order.

ORDER

(i) The applicant is directed to be released on bail in connection with C.R. No.591/2017 registered with Wanawadi Police Station, District Pune, on his executing P.R. Bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand Only) with one or two sureties in the like amount.

(ii) The application is disposed of.

(SARANG V. KOTWAL, J.)