

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL BAIL APPLICATION NO.1986 OF 2019**

Vilas Bapu Khilare ] ... Applicant

Versus

The State of Maharashtra ] ... Respondent

Mr. Sujay H. Gangal, Advocate for the Applicant.

Mr. Prashant Jadhav, APP for the State/Respondent.

**CORAM :- SARANG V. KOTWAL, J.**

**DATE :- 6<sup>th</sup> SEPTEMBER, 2019.**

**P. C. :-**

1. The applicant is seeking his release on bail in connection with C.R.No.147/2019 registered with Hadapsar Police Station, Pune City u/sec.307, 504 r/w 34 of I.P.C., u/sec. 37 (1) (3) r/w 135 of the Maharashtra Police Act and u/sec. 4 r/w 25 of the Indian Arms Act.

2. The FIR is lodged by the injured Vishal Jadhav on 09/02/2019. He has stated that, he was residing at Riddhi Siddhi Apartment, Vaiduwadi. It is mentioned in the FIR that, earlier the informant used to reside near house of the applicant and there was some dispute about the property. On 08/02/2019 at about 5.30 p.m., the informant

was present near his house. At that time, suddenly the applicant and his son approached him. Son Shubham was carrying a sharp weapon. Shubham assaulted the informant on his head. The applicant instigated him and told him to finish the informant. The applicant's son Shubham tried to assault the informant on his head. The informant tried to evade that blow and in the assault got hurt on his hand. Thereafter, the applicant and his son ran away from the spot. On this basis, the FIR is lodged.

3. The applicant was arrested on 08/02/2019 and since then he is in custody. The investigation is over and charge-sheet is filed. The charge-sheet contains statements of eye witnesses Tukaram Shinde, Somnath Shinde and Shankar Savare. The medical certificate shows that, there were six injuries. One injury is on head and rest of the injuries were described as simple injuries. The serious injury on the head was in the nature of fracture on the temporary parietal region.

4. Heard Mr. Sujay H. Gangal, Ld. Counsel for the Applicant and Mr. Prashant Jadhav, Ld. APP for the State/Respondent.

5. Ld. Counsel for the applicant submitted that, the main assault was not committed by the applicant. The only role attributed to him is that of instigation. The informant has survived. He submitted that, the charge-sheet is filed and the applicant's further custody is not necessary.

6. Ld. APP submitted that, the offence is serious and if he is released on bail, similar incident may take place.

7. I have considered all these submissions. At this stage, there is no reason to doubt the truthfulness of the incident narrated by the first informant and the eye witnesses. The assault was committed on the informant. The applicant instigated and the blow was given by his son Shubham. However, there is only one grievous injury and rest of the injuries are simple. The blow admittedly was not given by the present applicant. Though he had instigated his son, the informant has survived and as on today the offence has not escalated any further. Thus, at this stage, further custody of the applicant is not necessary. The applicant does not have any criminal antecedents. In this view of the matter, I am inclined to grant bail to the applicant. Hence, the following order.

**ORDER**

1. The Applicant is directed to be released on bail in connection with C.R.No.147/2019 registered with Hadapsar Police Station, Pune City, on his furnishing P.R.Bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one or two sureties in the like amount.
2. Application stands disposed of accordingly.

**(SARANG V. KOTWAL, J.)**