

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

CRIMINAL BAIL APPLICATION NO. 3531 OF 2019

Aakash Laxman Lahane

...Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Jayendra D. Khairnar, Advocate for the Applicant.

Mr. M. G. Patil, APP for the Respondent – State.

.....

CORAM : PRAKASH D. NAIK, J.

DATE : 17th February, 2020

PC :

1. The Applicant is arrested on 28th June, 2019 in connection with C.R.No. I-87 of 2019, registered with Manmad Police Station, District-Nashik, for the offences punishable under Sections 307, 326, 452, 323, 504 and 506 read with 34 of Indian Penal Code ("IPC", for short).

2. The prosecution case is that injured Suresh Lahane is the brother of accused no.1. Complaint is lodged by wife of the injured. Applicant is son of accused no.1. On 8th June, 2019, on account of dispute over boundary of agricultural land, the accused armed with weapons had assaulted the injured. The Applicant was allegedly armed with axe and others were armed with iron rod and sickle. The

mother of the Applicant was also accompanying the accused. The injured sustained grievous injuries. Subsequently, he was discharged from the hospital. On completing investigation, charge – sheet is filed.

3. Learned Counsel for the Applicant submits that the dispute is between two families. There was prior complaint lodged against the family of the injured by the mother of the Applicant. The Applicant is in custody from the date of arrest. There are no criminal antecedents against him. He is willing to stay out of the jurisdiction of Manmad Police Station, District– Nashik. Mother of the Applicant has been granted bail by the Sessions Court. One of the two witnesses whose statements were recorded under Section 164 of Cr.P.C. had not named any of the accused.

4. Learned APP submitted that the complainant and the injured has named the Applicant as one of the assailant. Applicants were armed with weapons. The injured had sustained four injuries.

5. The Applicant is in custody from 28th June, 2019. Investigation is completed and charge – sheet is filed. The medical certificate indicate that the injuries were grievous and simple in nature. There are no criminal antecedents against the Applicant. Injured was discharged from the hospital. Applicant can be put to terms and

conditions for granting bail.

6. Hence, I pass the following order :

ORDER

- i) Bail Application No.3072 of 2019, is allowed;
- ii) The Applicant is directed to be released on bail in connection with C.R.No.I-87 of 2019, registered with Manmad Police Station, District-Nashik, on his executing PR. Bond in the sum of Rs.25,000/-, with one or more sureties in the like amount;
- iii) Applicant shall not enter within the jurisdiction of Manmad Police Station, District – Nashik, till conclusion of trial;
- iv) Applicant shall furnish the details of his place of residence after he is released on bail to the investigating officer and shall report nearest police station once in a month on first Saturday of the month between 10:00 a.m. to 12:00 noon, till further orders;
- v) Bail Application stands disposed of accordingly.

(PRAKASH D. NAIK, J.)