

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 BAIL APPLICATION NO.152 OF 2021

NANDU VASANT UCHALE

VERSUS

THE STATE OF MAHARASHTRA

...

Mrs. S.T. Kazi, Advocate for the applicant

Mr. A.M. Phule, APP for the respondent

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 08th MARCH, 2021.

ORDER :

1 Present applicant came to be arrested on 24.11.2020 by City Police Station, Dhule, Dist. Dhule, in connection with Crime No.227/2020, for the offence punishable under Section 307, 143, 147, 148, 149, 325, 323, 504, 506 of the Indian Penal Code. Present application has been filed under Section 439 of the Code of Criminal Procedure, 1973.

2 Heard learned Advocate Mrs. S.T. Kazi for the applicant and learned APP Mr. A.M. Phule for the respondent. In order to cut short, it can be said that they have argued in support of their respective contentions.

3 First Information Report has been lodged by one Yogesh Ashok

Uchale on 21.11.2020. He states that the present applicant and co-accused are distantly related to him and they are having inimical terms. He carries on business of distribution of water can in a small vehicle. When he was doing his business of transportation, on 15.11.2020 his vehicle dashed the iron sheet in front of the house of Chandrakant Vasant Uchale, causing damage to that sheet as well as to the vehicle of the informant. Thereafter when the informant was returning along with his younger brothers and another cousin at about 6.45 p.m. on 19.11.2020, Chandrakant Uchale stopped them and asked informant to compensate him for the damage caused to his jeep. Informant told him that his vehicle has also received damage and there was altercation. Suddenly present applicant appeared with iron rod and gave a blow of the same on the head of the informant, causing the bleeding injury. Thereafter informant's brothers were persuading. At that time, the other co-accused came armed with iron rod, base ball stick, sticks and all of them were assaulted. Informant was taken to Hire Medical College and Hospital for treatment and after he has been discharged, he lodged the report.

4 Perusal of the police papers would show that the substantial part of the investigation is over. Role attributed to the present applicant is that he had assaulted informant by iron rod on his head. The alleged weapon appears to have been seized under Section 27 of the Indian Evidence Act

from the present applicant. However, it is to be noted from the injury certificate i.e. issued by the General Hospital, Dhule that he had received CLW over temporal region, 4 x 1 x 1 c.m. in size. It is the only injury and it is stated to have been caused by hard and blunt object, within six hours, and the nature is stated to be simple. As regards the other injured persons are concerned, it is stated that they have also received only simple injuries. Under the said circumstance, whether the facts would disclose offence under Section 307 of the Indian Penal Code, is a question. For these facts the applicant need not be asked to remain in jail. He deserves to be released on bail, however, subject to conditions. Hence, following order.

ORDER

1 Application stands allowed.

2 Applicant Nandu Vasant Uchale, who has been arrested in connection with Crime No.227/2020 by City Police Station, Dhule, Dist. Dhule, for the offence punishable under Section 307, 143, 147, 148, 149, 325, 323, 504, 506 of the Indian Penal Code, be released on P.R. of Rs.30,000/- (Rupees Thirty Thousand only) with two solvent sureties of Rs.15,000/- (Rupees Fifteen Thousand only).

3 The applicant shall not tamper with the evidence of the

prosecution, in any manner.

4 He shall not indulge in any criminal activity.

5 He shall attend the City Police Station, Dhule, Dist. Dhule on every Sunday between 10.00 a.m. to 02.00 p.m., till filing of charge sheet. So also he should comply with the requirements under paragraph Nos.12 (1) to (6) of Chapter I of Criminal Manual, (whichever are applicable).

6 Bail before Trial Court.

(Smt. Vibha Kankanwadi, J.)

agd